

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



January 28, 2014

Ken Deluna
Building Official
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

RE: Ordinance #2095

Dear Mr. Deluna:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on January 6, 2014.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Enrique M. Rodriguez'.

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

O'Brien, Laurie@DGS

From: Ken Deluna <Ken.Deluna@morganhill.ca.gov>
Sent: Monday, January 06, 2014 1:34 PM
To: OrdinanceFilings@DGS
Attachments: ORD2095ns.pdf

Attached is the City of Morgan Hill model code adoption ord.

Thank you



Ken Deluna | Building Official
City of Morgan Hill | 17575 Peak Avenue | Morgan Hill, CA 95037
☎ 408.778.6480 | 📠 408.779.7236 | ✉ ken.deluna@morganhill.ca.gov

ORDINANCE NO. 2095, NEW SERIES

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING TITLE 15 (BUILDING AND CONSTRUCTION) TO ADOPT BY REFERENCE THE 2013 CALIFORNIA STATE BUILDING STANDARDS CODE KNOWN AND DESIGNATED AS CALIFORNIA CODE OF REGULATIONS, TITLE 24 AND THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND TO AMEND, DELETE AND ADD CERTAIN OTHER BUILDING AND CONSTRUCTION STANDARDS

THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA DOES ORDAIN AS FOLLOWS:

WHEREAS, Health and Safety Code Section 17922 requires that the state adopt building standards and rules and regulations ("State Building Standards Code") and that such State Building Standards Code impose substantially the same requirements as are contained in the most recent editions of specified uniform industry codes; and

WHEREAS, Health and Safety Code Section 17958 allows the City Council to adopt ordinances or regulations which impose the same requirements as the State Building Standards Code, or make changes or modifications to the Building Standards upon express findings that that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the Building Standards, along with any changes or modifications made by the City Council, become effective 180 days after publication by the California Building Standards Commissions; and

WHEREAS, the City Council desires to adopt the 2013 State Building Standards Code as published by the California Building Standards Commissions, along with changes and modifications reasonably necessary because of local climatic, geological, or topographical conditions, based on findings set forth in this ordinance; and

WHEREAS, the City building official has determined that the local amendments to the State Building Standards Codes are necessary due to unique conditions exist in the City of Morgan Hill; and

WHEREAS, the Fire Department has recommended that changes and modifications be made to the Code and have advised that certain said changes and modifications to the California Fire Code, 2013 Edition are reasonably necessary due to local conditions in the City of Morgan Hill.

WHEREAS, amendments related to fire and life-safety contained in Sections 202, 316, 503, 504, 605, 608, 903, 912, 2803, 3304, 3311, 4906, 5001, 5003, 5004, 5601, 5704, 6001, 6004, and 6405, of the 2013 Edition of the California Fire Code as recommended by the Fire Department are hereby found to be reasonably necessary due to the following local conditions, and additional express findings are already on file with the California Building Standards Commission:

A. Climatic Conditions

Santa Clara County and the City of Morgan Hill are located in a semi-arid Mediterranean type climate which predisposes all fuels to rapid ignition and spread of fire. Hot, dry winds, and low humidities, are common to all areas within the City of Morgan Hill and Santa Clara County in general. Winter rains promote the growth of grass and brush. This vegetation presents heavy dry fuel loads in the summer months. These conditions are conducive to the ready ignition, propagation and spread of grass, brush and structure fires. These conditions, which can cause small brush fires which spread quickly, are a contributing factor to the high fire danger in the area, and create the need for an increased level of fire protection. This added protection will supplement normal fire department response available and provide immediate protection for life and safety of multiple occupancy occupants during fire occurrences.

B. Topographic Conditions

The topography of Morgan Hill has hillside homes on each side of the city with long response times for safety equipment. The city foothills cause many problems for firefighters, including long response times, inadequate water supply and unlimited fuel. Fog, heavy rains, mud slides and earthquakes are other common occurrences which negatively affect the ability of the city's public safety resources to respond to emergency situations. The city is in a Category D seismic activity classification. Many traffic corridors such as Highway 101 and Monterey, Southern Pacific Railroad, related bridges, underpasses and crossings are subject to obstruction in the event of an earthquake, traffic accident, hazardous material spill or other disaster.

C. Geographic Conditions

1. Santa Clara County and the City of Morgan Hill are located within the seismically active San Francisco Bay region. The significant earthquakes in the region are generally associated with the crustal movements along well-defined, active fault zones. The nearest known active faults are the San Andreas Fault, approximately 12 miles southwest of Morgan Hill, and the Calaveras Fault, approximately 1 mile northeast. Both faults have produced major earthquakes in the past, and have estimated maximum credible Richter magnitudes of 8.3 and 7.3, respectively. The Sargent-Berrocal Fault, a potentially active fault, lies approximately 10 miles away and has an estimated maximum credible Richter magnitude of 7.3. The Coyote Creek Fault is located in Morgan Hill and is classified as potentially active as well. In addition, several unnamed faults traverse the western slopes of the upland areas.
2. Regional planning for reoccurrence is recommended by the State of California, Department of Conservation. The October 17, 1989, Santa Cruz earthquake resulted in only one major San Francisco fire in the Marina district, but when combined with the 34 other fires and over 500 responses, the department was taxed to its full capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. If more fires had been ignited by the earthquake, it would have been difficult for the fire department to contain them. Experts predict a major earthquake in our area within the next 50 years. This situation creates the need for both additional fire protection measures and automatic

on-site fire protection for building occupants since a multitude of fires may result from breakage of gas lines and electric lines as a result of an earthquake.

3. Traffic and circulation congestion presently existing in the City of Morgan Hill often places fire department response time to fire occurrences at risk. This condition will be exacerbated by any major disaster, including any earthquake where damage to the highway system will occur. This condition makes the need for additional on-site protection for property occupants necessary.
4. The City of Morgan Hill is located in an area subject to a climatic condition of high winds and low humidity. This combination of events creates an environment which is conducive to rapidly spreading fires. Control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles greatly impact the response time to reach an incident scene.
5. The City of Morgan Hill is located in the middle of a seismically active area. The viability of the public water system would be questionable at best after a major seismic event. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. With the probability of strong aftershocks, there exists a need to provide increased protection for anyone on upper floors.

The City of Morgan Hill is located approximately fifteen miles from the ocean. The City's typical ground water level is between ten and twenty feet. This condition makes the City more prone to subsidence issues than most inland communities.

WHEREAS, the 2013 Building Standards makes unnecessary and duplicative certain provisions of the Municipal Code, which provisions are deleted or amended as set forth in this ordinance.

WHEREAS, Title 15 is set forth, as amended, in this Ordinance.

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN
AS FOLLOWS:**

SECTION 1: PURPOSE

The purpose of this Ordinance is to adopt the 2013 State Buildings Standard Code. The Ordinance additionally adopts certain other building standards and deleted certain redundant provisions.

SECTION 2: AUTHORITY

Action to adopt this Ordinance is taken pursuant to California Health and Safety Code Section 17958, 17958.5 and 17958.7.

Chapter 15.04 RESERVED

Chapter 15.08 BUILDING CODE

Sections:

- 15.08.010 Adoption of the 2013 California Building Code and the 2013 California Residential Code.**
- 15.08.020 Short Title.**
- 15.08.030 Scope, Organization, Enforcement, Fees and Inspections.**
- 15.08.040 Additions, Amendments and Deletions.**
- 15.08.050 Sections 1505.1.4.1 and R902.1.1.11 Added – Construction of Roof in Wildland-Urban Interface Areas.**
- 15.08.060 Section R313.1 and R313.2 Amended – Sprinkler System Requirements.**
- 15.08.070 Building Over utility easements.**
- 15.08.080 Section 310.1 Amended--Single-Room Occupancies (SRO).**
- 15.08.090 Section 2308.9.3 Item 5, Deleted--Gypsum Board and Item 7, Deleted--Portland Cement.**
- 15.08.100 Section 1910.1 Minimum Slab Thickness.**
- 15.08.110 Section 1805 --Footing and Foundations.**
- 15.08.120 Violation--Penalty.**

15.08.010 Adoption of the 2013 California Building Code, the 2013 California Residential Code and other parts of the State Building Standards Code.

There is hereby adopted by reference that certain code known and designated as the California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 7, 8, and 10 as published by the California Building Standards Commission as further described and including the following:

- 2013 California Administrative Code (California Code of Regulations Title 24, Part 1).
- 2013 California Building Code (California Code of Regulations Title 24, Part 2) based on the 2009 International Building Code® as prepared by the International Code Council, and as amended by the State of California.
- 2013 California Residential Code (California Code of Regulations Title 24, Part 2.5) based on the 2009 International Residential Code® as prepared by the international Code Council, and as amended by the State of California.
- 2013 California Energy Code (California Code of Regulations Title 24, Part 6)
- 2013 California Elevator Safety Construction Code (California Code of Regulations Title 24, Part 7).
- 2010 California Historical Building Code (California Code of Regulations Title 24, Part 8).
- 2013 California Existing Building Code (California Code of Regulations Title 24, Part 10) based on the 2009 International Existing Building Code® as prepared by the International Code Council, and as amended by the State of California.

- 2013 California Green Building Standards Code (California Code of Regulations Title 24, Part 11).
- 2013 California Referenced Standards Code (California Code of Regulations Title 24, Part 12).

Such Code shall include those sections requiring enforcement by the local building department, and as further amended by the City of Morgan Hill with provisions intended to address local climatic, geologic, and topographic conditions, as permitted by State law. Adoption of said Code shall include the adoption of Appendices B, I, and J contained in the 2013 California Building Code.

Such Code shall be and become the City of Morgan Hill Building Code, regulating the erection, construction, alteration, repair, relocation, demolition, occupancy, use, height, area, and maintenance of all buildings and structures, and certain equipment therein specifically regulated. The provisions of said code shall provide for the issuance of permits and certificates of occupancy, and collection of fees thereof, and providing penalties for violation of such Code.

At least one copy of the City of Morgan Hill Building Code has been deposited in the office of the City building official and is available for public inspection.

15.08.020 Short Title.

This chapter shall be known as the "Building Code" and may be cited as such.

15.08.030 Scope, Organization, Enforcement, Fees and Inspections.

The scope, organization, enforcement, fees and inspections shall comply with those set forth in the 2013 California Building Code. The Building Official shall use the Building Valuation Data from the Building Standards publication for "cost per square foot." For residential construction, two general classes, one for "average" and one for "good" construction will be used by the Building Official with adjustments for special architectural or structural features and location of the project.

15.08.040 Additions, Amendments and Deletions.

The following provisions of the California Building Code and California Residential Code shall be added, amended or deleted:

- A. The following sections in the California Building Code are added by this Chapter: 505.1.4.1.
- B. The following sections in the California Residential Code are added by this Chapter: R902.1.4.1.
- C. The following sections in the California Residential Code are amended by this Chapter: R313.1, R313.2.

15.08.050 Sections 1505.1.4.1 and R902.1.1.11 Added – Construction of Roof in Wildland-Urban Interface Areas.

A. Section 1505.1.4.1 of the California Building Code to read:

1505.1.4.1 Roofing Coverings within the Wildland-Urban Interface Fire Area.

The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.

B. Section R902.1.4.11 of the California Residential Code to read:

R902.1.4.11 Roof Coverings within the Wildland-Urban Interface Fire Area.

The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.

C. Findings.

1. The Council finds and declares that the areas as defined in the open space and conservation element of the General Plan are considered a hazardous fire area and that it is, therefore, necessary to establish special minimum fire-resistive requirements in these areas for the protection of life and property. The fire hazard of untreated wood roofs has long been recognized by the National Fire Protection Association. The City's foothills cause many problems for firefighters including long response times, inadequate water supply and unlimited fuel. The City is in a region which experiences high winds and low humidity during summer months. Winter rains promote the growth of grass and brush. This vegetation presents heavy dry fuel loads in the summer months. These conditions are conducive to the ready ignition, propagation and spread of grass, brush and structure fires. Fog, heavy rains, mud slides and earthquakes are other common occurrences which negatively affect the ability of the City's public safety resources to respond to emergency situations. The topography of Morgan Hill has hillside homes on each side of the City, causing long response time for safety equipment. The City is in a Category D seismic activity classification. Many traffic corridors, such as Highway 101 and Monterey Road, Southern Pacific Railroad, related bridges, underpasses and crossings, are subject to obstruction in the event of an earthquake, traffic accident, hazardous material spill or other disaster.

2. Any of the above factors could quickly exhaust the fire district's resources and prevent the assistance of mutual aid resources. Therefore, Class A roofing would provide the fire protection needed through this amendment.

15.08.060 Section R313.1 and R313.2 Amended – Sprinkler System Requirements.

A. Section R313.1 of the California Residential Code to read:

R313.1: Townhouse Automatic Fire Sprinkler Systems. An automatic residential fire sprinkler system shall be installed in all new townhouses and in existing townhouses when additions are made that increase the building area to more than 3,600 square feet.

Exception: A one-time addition to an existing building that does not total more than 1,000 square feet of building area.

B. Section R313.2 of the California Building Code to read:

R313.2 One- and Two-Family Dwellings Automatic Fire Sprinkler Systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows:

1. In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet.

Exception: A one-time addition to an existing building that does not total more than 1,000 square feet of building area.

2. In all new basements and in existing basements that are expanded.

Exception: Existing basements that are expanded by not more than 50%.

C. Findings. The City of Morgan Hill experiences low humidity, high winds and warm temperatures during the summer months, creating conditions which are particularly conducive to the ignition and spread of grass, brush and structure fires. The remoteness and steepness of hillside areas in the City significantly impact the ability of emergency responders to extinguish or control wild land or structure fires. These factors cumulatively mandate special provisions for the creation of defensible space around homes and ignition resistant construction.

15.08.070 Building over Utility Easements.

It is unlawful for any person, firm or corporation to erect, construct or maintain any building, garage, carport, storage shed or other similar building over or within the boundary of any public easement. "Public utility easement" as used in this Section includes any easement for a gas line, water line, storm drainage line, buried or overhead electrical or telephone lines.

15.08.080 Section 310.1 Amended--Single-Room Occupancies (SRO).

A. Section 310.1 of the 2013 California Building Code to read:

The SRO unit shall have a living room of not less than 150 square feet (13.9m²) of superficial floor area. An additional 100 square feet (9.3m²) of superficial floor area shall be provided for each occupant of such SRO unit in excess of two.

The SRO unit shall be provided with a separate closet.

The SRO unit may be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light, ventilation and emergency egress conforming to this Code shall be provided.

Every building shall be provided with at least one water closet. Every hotel or subdivision thereof where both sexes are accommodated shall contain at least two separate toilet facilities which are conspicuously identified for male and female use, each of which contains at least one water closet.

Exception: Hotel guest rooms may have one unidentified toilet facility.

Additional water closets shall be provided on each floor for each sex at the rate of one for every additional ten guests, or fractional part thereof, in excess of ten.

Every SRO unit shall be provided with a kitchen equipped with a kitchen sink; however, that single room occupancy living unit facilities and single room occupancy residential hotels may contain partial kitchen facilities so long as a sink is provided and laundry facilities and kitchen facilities are provided on each floor accessible from a public hallway.

Every SRO unit and every lodging house shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory and either a bathtub or shower; however, that single room occupancy residential hotels may contain partial bathroom facilities. If individual bath facilities are not provided, common bath facilities must be provided as follows:

Where private water closets, lavatories and baths are not provided there shall be provided on each floor, for each sex, at least one water closet and lavatory and one bath, accessible from a public hallway. Additional water closets, lavatories and baths shall be provided on each floor for each sex at the rate of one for every additional ten guests or fractional number thereof in excess of ten. Such facilities shall be clearly marked for "men" or "women." As an alternative, adequate

unisex facilities may be provided. Each sink, lavatory and either a bathtub or shower shall be equipped with hot and cold running water necessary for its normal operation.

When SRO units are required by state law to be accessible or adaptable, see appropriate sections of state law for access requirements.

B. This amendment is made pursuant to the authority set forth in California Health and Safety Code Section 17958.1.

15.08.090 Section 2308.9.3 Item 5, Gypsum Board and Item 7, Portland Cement.

A. Section 2308.9.3, Item 5 and Item 7 of the 2013 California Building Code, which allows the use of gypsum board and Portland cement for wall bracing, to read:

The use of gypsum board and Portland cement is not allowed in the City of Morgan Hill

B. Findings. The City is in a Category D seismic activity classification. Gypsum wallboard and exterior Portland cement plaster have performed poorly during California seismic events. Shear values for gypsum wallboard and Portland cement stucco contained in the Code are based on monodirectional testing. It is appropriate to eliminate the use of these materials until cyclic loading tests are performed and evaluated.

15.08.100 Section 1910.1 Minimum Slab Thickness.

A. Section 1910.1 of the 2013 California Building Code to read:

(a) General: The minimum thickness of concrete floor slabs supported on base rock shall not be less than 3- 1/2" thick. The slab shall be reinforced with not less than six inches by six inches ten-gauge wire mesh or an approved alternate installed at mid height of the slab over 4" of approved base or as designed by a licensed professional engineer.

B. Findings. To avoid damage due to soil expansion, shrinkage and seismic activity which causes damage to concrete slab flooring throughout the City, imposing the above requirements eliminates the need for a soils report for some small projects.

15.08.110 Section 1807 Footing and Foundations.

A. Section 1807 of the 2013 California Building Code to read:

A minimum of one top and one bottom continuous bar of 1/2" diameter reinforcing steel shall be required in all continuous concrete or masonry bearing foundations of Group R residential occupancies. Other occupancies shall be based on design.

B. Findings. The City is within a very active seismic area and local soil conditions can be highly expansive (clay soils). Damage to plain concrete footings is extremely expensive to repair, in contrast to the nominal expense of providing footing reinforcement. Footing reinforcement is also necessary to help prevent damage due to shrinking and swelling during seasonal drying and wetting conditions.

15.08.120 Violation--Penalty.

A. Any person who violates any of the provisions of the Code adopted by this Chapter or fails to comply with that Code, or who violates or fails to comply with any order made under that Code, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed in this Chapter, is severally and for each and every such violation and noncompliance respectively, guilty of a

misdemeanor, punishable by a fine of not exceeding one thousand dollars or imprisonment not exceeding six months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained constitutes a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

C. Notwithstanding any other provision of this Code, whenever a violation of any section contained in this Chapter is punishable as a misdemeanor, the City Attorney may specify that the offense is an infraction pursuant to Section 1.24.010(D), and proceed with prosecution as an infraction, unless the defendant objects to the offense being made an infraction, in which event the court may elect to have the complaint amended to charge as a misdemeanor, and the case shall proceed on a misdemeanor charge.

Chapter 15.12 ELECTRICAL CODE*

Sections:

- | | |
|------------------|--|
| 15.12.010 | Short Title. |
| 15.12.020 | Adoption of the California Electrical Code. |
| 15.12.030 | Scope, Organization, Enforcement, Fees and Inspections. |
| 15.12.040 | Additions, Amendments and Deletions. |
| 15.12.050 | Violation—Penalty. |

15.12.010 Short Title.

This Chapter shall be known as the "Electrical Code".

15.12.020 Adoption of the California Electrical Code.

There is adopted by reference that certain Code known and designated as the California Code of Regulations, Title 24, Part 3, further described and referred to as the 2013 California Electrical Code published by the California Building Standards Commission and based on the National Electric Code®, 2011 Edition, prepared by the National Fire Protection Association. Adoption of said Code shall include those sections and annexes requiring enforcement by the local building department and as further amended by the City of Morgan Hill with provisions intended to address local climatic, geologic, and/or topographic conditions, as permitted by State law. Adoption of said Code shall include adoption of the following annexes of the California Electrical Code: Annex A, Annex B, Annex C, Annex D, Annex E, Annex F, and Annex H with local amendments. Such Code shall be and become the Morgan Hill Electrical Code, regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of electrical systems, equipment and appliances. The provisions of said Code shall provide for the issuance of permits and collection of fees thereof, and providing penalties for violation of such Code.

At least one copy of the City Electrical Code has been deposited in the office of the City building official and is available for public inspection.

15.12.030 Scope, Organization, Enforcement, Fees and Inspections.

The scope, organization, enforcement, fees and inspections of the 2013 California Electrical Code must comply with those set forth in the 2013 California Building Code and 2011 National Electrical Code.

15.12.040 Additions, Amendments and Deletions.

A. Article 334.12 of the California Electrical Code to read:

Article 334.12 Non-Metallic-Sheathed Cables.

(a) Type NM or NMC. Type NM and NMC cables shall not be used: (1) in any dwelling or structure exceeding three floors above grade; (2) as service-entrance cable; (3) embedded in poured concrete; or (4) in any non-residential occupancy. For the purpose of this article, the first floor of the building shall be that floor that has 50 percent or more of the exterior wall surface area level with or above finish grade. One additional level that is the first level and not designated for human habitation and used only for vehicle parking, storage, or similar use shall be permitted.

B. Findings. Morgan Hill is in an active seismic zone and has experienced two large seismic events in the past twenty five years. Structural damage to commercial buildings in the business community was severe; electrical wiring within these commercial buildings was severely damaged, causing fire and creating electrical shock hazards to the occupants. Requiring that all electrical building wiring be protected in an approved electrical raceway as described in the California Electrical Code will minimize fire and life safety hazards to the occupants and rescue personnel caused by damaged exposed electrical wiring.

15.12.050 Violation--Penalty.

A. Any person who violates any of the provisions of the Code adopted by this Chapter or fails to comply with that Code, or who violates or fails to comply with any order made under that Code, or who builds in violation of any detailed statement of specifications or plan submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed in this Chapter, is severally and for each and every violation and noncompliance respectively, guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars or imprisonment not exceeding six months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained constitutes a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

C. Notwithstanding any other provision of this Code, whenever a violation of any section contained in this chapter is punishable as a misdemeanor, the City Attorney may specify that the offense is an infraction pursuant to Section 1.24.010(D), and proceed with prosecution as an infraction, unless the defendant objects to the offense being made an infraction, in which event the court may elect to have the complaint amended to charge as a misdemeanor, and the case shall proceed on a misdemeanor charge.

Chapter 15.16 MECHANICAL CODE

Sections:

- 15.16.010 Short Title.**
- 15.16.020 Adoption of the 2013 California Mechanical Code.**
- 15.16.030 Scope, Organization, Enforcement, Fees and Inspections.**
- 15.16.040 Violation—Penalty.**

15.16.010 Short Title.

This chapter shall be known as the "Mechanical Code" and may be cited as such.

15.16.020 Adoption of the 2013 California Mechanical Code.

There is hereby adopted by reference that certain Code known and designated as the California Code of Regulations, Title 24, Part 4, further described and referred to as the 2013 California Mechanical Code published by the California Building Standards Commission and based on the Uniform Mechanical Code®, 2012 Edition, prepared by the International Association of Plumbing and Mechanical Officials. The adoption of said Code shall include those sections requiring enforcement by the local building department. Such Code shall be and become the Morgan Hill Mechanical Code, regulating heating, ventilating, comfort cooling, refrigeration systems and other miscellaneous heating appliances, prescribing conditions under which such work may be performed within the City and providing for the issuance of permits and the collection of fees therefore.

At least one copy of the City Mechanical Code has been deposited in office of the City building official and is available for public inspection.

15.16.030 Scope, Organization, Enforcement, Fees and Inspections.

The scope, organization, enforcement, fees and inspections of the California Mechanical Code must comply with those set forth in the 2013 California Building Code.

15.16.040 Violation—Penalty.

A. Any person who violates any of the provisions of the Code adopted by this Chapter or fails to comply with that Code, or who violates or fails to comply with any order made under that Code, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed in this chapter, is severally and for each and every such violation and noncompliance respectively, guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars or imprisonment not exceeding six months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained constitutes a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

C. Notwithstanding any other provision of this Code, whenever a violation of any section contained in this Chapter is punishable as a misdemeanor, the City Attorney may specify that the offense is an infraction, and proceed with prosecution as an infraction, unless the pursuant to Section 1.24.010(D) defendant objects to the offense being made an infraction, in which event the court may elect to have the complaint amended to charge as a misdemeanor, and the case shall proceed on a misdemeanor charge

Chapter 15.20: PLUMBING CODE*

Sections:

| | |
|------------------|---|
| 15.20.010 | Short Title. |
| 15.20.020 | Adoption of the 2013 California Plumbing Code. |
| 15.20.030 | Scope, Organization, Fees and Inspections. |
| 15.20.040 | Amendments and Deletions. |
| 15.20.050 | Section 604.2 Amended--Water Lines and Fittings. |
| 15.20.060 | Section 608.2 Amended--Pressure Regulators. |
| 15.20.070 | Sections 609.3.1 Amended--Piping Under Slabs. |
| 15.20.080 | Section 710.1 Amended--Backwater Valves. |
| 15.20.090 | Section 1001.0 Amended--Vents and Traps. |
| 15.20.100 | Violation--Penalty. |

15.20.010 Short Title.

This chapter shall be known as the "Plumbing Code" and may be cited as such.

15.20.020 Adoption of the 2013 California Plumbing Code.

There is hereby adopted by reference that certain Code known and designated as the California Code of Regulations, Title 24, Part 5, further described and referred to as the 2013 California Plumbing Code published by the California Building Standards Commission and based on the Uniform Plumbing Code®, 2012 Edition, prepared by the International Association of Plumbing and Mechanical Officials. The adoption of said Code shall include those sections requiring enforcement by the local building department as mandated by the State and as further amended by the City of Morgan Hill with provisions intended to address local climatic, geologic, and topographic conditions, as permitted by State law. Such Code shall be and become the Morgan Hill Plumbing Code, regulating plumbing and drainage systems, house sewers, private sewage disposal, drainage systems, and prescribing conditions under which such work may be carried on within the City and providing for the issuance of permits and the collection of fees therefore.

At least one copy of the City Plumbing Code has been deposited in the office of the City building official and is available for public inspection.

15.20.030 Scope, Organization, Fees and Inspections.

The scope, organization, enforcement, fees and inspections of the 2013 California Plumbing Code must comply with those set forth in the 2013 California Building Code.

15.20.040 Amendments and Deletions.

The following provisions of the 2013 California Plumbing Code shall be amended or deleted:

A. The following Sections of the California Plumbing Code are amended by this Chapter: 604.2, 608.2, 609.3.1, 710.1 and 1001.0--1001.3.

B. The following Sections of the California Plumbing Code are deleted: Administrative Sections 101.4 through 103.8 inclusive.

15.20.050 Section 604.2 Amended--Water Lines and Fittings.

A. Section 604.2 of the 2013 California Plumbing Code to read:

604.2 Copper tube for potable water piping shall have a weight of not less than type "L."

B. Finding. Due to water hardness in the city, type "L" copper shall be required.

15.20.060 Section 608.2 Amended--Pressure regulators.

A. Section 608.2 of the 2013 California Plumbing Code to read :

608.2 Excessive Water Pressure. Where local water pressure is in excess of fifty-five (55) pounds per square inch or less, an approved type pressure regulator preceded by an adequate bypass strainer shall be installed and the pressure reduced to fifty-five (55) pounds per square inch or less for all occupancies.

For potable water services up to and including one and one-half (1 ½ ") inch regulators, provision shall be made to prevent pressure on the building side of the regulator from exceeding main supply pressure. Each such regulator shall be accessibly located and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping. All pipe size determinations shall be based on eighty (80%) percent of the reduced pressure.

B. Findings. Due to the topography of Morgan Hill, water supply tanks are located on top of local hills, causing high water pressure in the system. This velocity of water causes water pipes to deteriorate faster than normal. With this problem, requiring pressure regulators to areas in excess of fifty-five psi provides protection to each structure of pipe breakage and therefore necessitates this amendment.

15.20.070 Sections 609.3.1 Amended--Piping Under Slabs.

A. Section 609.3.1 of the 2013 California Plumbing Code to read:

Water piping shall not be installed in or under a concrete floor slab within a building without prior approval of the Building Official.

B. Findings.

1. Most of the surface soils in Morgan Hill are relatively young and unconsolidated sedimentary materials formed from a wide variety of parent materials. The varying chemical composition, degree of weathering, and the relatively acid environment have created soils of varying types, which are peculiarly corrosive in nature.

2. Much of the surface soil in Morgan Hill is characterized by peculiarly high expansivity (i.e., shrink-swell behavior) and low bearing strength. There are two types of expansive soils in the area:

- a. The organic silty clays which are the recent bay muds; and
- b. The plastic silty clays which weather from the shale found in the hills surrounding Santa Clara Valley.

3. The local climate is characterized by markedly delineated rainy and dry seasons, which tend to maximize the volume changes occurring within the soil.
4. Areas of the City have hard water, which may be corrosive to ferrous pipe.
5. The groundwater table is unusually high in many places.
6. Morgan Hill is a seismically active region.

15.20.080 Section 710.1 Amended--Backwater Valves.

A. Section 710.1 of the 2013 California Plumbing Code to read:

Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Building Official.

B. Findings. The local topography includes mountainous and foothill areas with intermittent steep slopes. The City of Morgan Hill is located in a seismically active area, which increases the likelihood of breakage of building sewers and laterals, leading to an above average potential of sewage back-up into buildings without adequate protection.

15.20.090 Section 1001.0 Amended--Vents and Traps.

A. Section 1001.0 of the 2013 California Plumbing Code to read:

1001.1 Vents and Traps. In all new installations to buildings and in all existing installations to buildings where the outlet of a trap for a plumbing fixture is installed or located at an elevation which is less than two feet from the rim of the nearest manhole uphill from the point of connection of the building sewer to the lateral sewer, approved types of trap, vent, and cleanout shall be installed in the building sewer at a point as close as possible to the building being served.

1001.2 The installation shall include a back-water overflow device with 4" plastic two-way cleanout. In lieu of a two-way cleanout, a combination Wye and 1/8 bend with cleanout plug brought to grade may be installed, provided the main building drain is in a straight line with an exterior cleanout plug at grade on the opposite end of the main building drain line.

1001.3 Every existing installation which includes a plumbing fixture trap outlet which is less than two feet from the rim of the nearest manhole uphill from the point of connection of the building sewer to the lateral sewer is hereby declared to be dangerous, unsanitary, and a menace to life, health and property. Whenever it shall come to the attention of the inspector that such an installation exists, the inspector is hereby authorized and empowered to order and require that such plumbing outlet be immediately plugged or capped or that the equipment described in the preceding paragraphs in this section be installed immediately.

B. Findings. The changes or modifications in the requirements of the 2013 California Plumbing Code, as set out in subsection A of this section, are necessary because many parts of the City are susceptible to flooding. The possibility of this undue strain upon existing City waste collection facilities and the attendant hazard of contamination of the City's water system requires that additional safeguards be imposed upon the installation of plumbing fixtures.

15.20.100 Violation—Penalty.

A. Any person who violates any of the provisions of the Code adopted by this Chapter or fails to comply with that Code, or who violates or fails to comply with any order made under that Code, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed in this Chapter, is severally and for each and every such violation and noncompliance respectively, guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars or imprisonment not exceeding six months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained constitutes a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

C. Notwithstanding any other provision of this Code, whenever a violation of any section contained in this chapter is punishable as a misdemeanor, the City Attorney may specify that the offense is an infraction pursuant to Section 1.24.010(D), and proceed with prosecution as an infraction, unless the defendant objects to the offense being made an infraction, in which event the court may elect to have the complaint amended to charge as a misdemeanor, and the case shall proceed on a misdemeanor charge.'

Chapter 15.24: HOUSING CODE

Sections

- 15.24.010 Short title.**
- 15.24.020 Adoption of the Uniform Housing Code.**
- 15.24.030 Scope, organization, enforcement, fees and inspections.**
- 15.24.040 Additions, amendments and deletions.**
- 15.24.050 Violation—Penalty.**

15.24.010 Short title.

This chapter shall be known as the "Uniform Housing Code" and may be cited as such.

15.24.020 Adoption of the Uniform Housing Code.

Pursuant to Sections 50022.1 through 50022.4, inclusive, of the Government Code of the state of California, the text of that certain publication copyrighted and published by the International Conference of Building Officials entitled "Uniform Housing Code, 1997 Edition" is adopted as the rules, regulations, and standards within this city as to all matters therein contained except as otherwise provided in this chapter. One copy of the Uniform Housing Code will at all times be kept on file in the office of the building official, and is available for public inspection.

15.24.030 Scope, organization, enforcement, fees and inspections.

The scope, organization, enforcement, fees and inspections of the Uniform Housing Code must comply with those set forth in the 1997 Uniform Administrative Code (see Chapter 15.04 of this title).

15.24.040 Additions, amendments and deletions.

A. The following provisions of the Uniform Housing Code shall be deleted: Sections 104, 203, 204, 302 and 303 shall be deleted.

B. Findings. The council finds that the requirements contained in Sections 104, 203, 204, 302 and 303 of the Uniform Housing Code are redundant because they are contained in the 1997 Administrative Code, which has been adopted by the council.

15.24.050 Violation—Penalty.

A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply with that code, or who violates or fails to comply with any order made under that code, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed in this chapter, is severally and for each and every such violation and noncompliance respectively, guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars or imprisonment not exceeding six months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified, each ten days that prohibited conditions are maintained constitutes a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

C. Notwithstanding any other provision of this code, whenever a violation of any section contained in this chapter is punishable as a misdemeanor, the city attorney may specify that the offense is an infraction, and proceed with prosecution as an infraction, unless the defendant objects to the offense being made an infraction, in which event the court may elect to have the complaint amended to charge as a misdemeanor, and the case shall proceed on a misdemeanor charge.

(Ord. 1861 N.S. § 6 (part), 2007; Ord. 1252 N.S. § A (part), 1995; Ord. 1172 N.S. § 7, 1994; Ord. 1077 N.S. § A (part), 1992

Chapter 15.25: PROPERTY MANAGEMENT

Sections:

15.25.010 Short Title.

15.25.020 Adoption of the International Property Maintenance Code.

15.25.030 Scope, Organization, Enforcement, Fees and Inspections.

15.25.040 Violation--Penalty.

15.25.010 Short Title.

This chapter shall be known as the "Property Maintenance Code" and may be cited as such.

15.25.020 Adoption of the International Property Maintenance Code.

Pursuant to Sections 50022.1 through 50022.4, inclusive, of the Government Code of the state of California, the text of that certain publication copyrighted and published by the ICC entitled "2009 International Property Maintenance Code" is adopted as the rules, regulations, and standards within this City as to all matters therein contained except as otherwise provided in this Chapter. One copy of the International Property Maintenance Code will at all times be kept on file in the office of the City building official and is available for public inspection.

15.25.030 Scope, Organization, Enforcement, Fees and Inspections.

The scope, organization, enforcement, fees and inspections of the Uniform Housing Code 2009 International Property Maintenance Code must comply with those set forth in the 2013 California Building Code (see Chapter 15.04 of this Title).

15.25.040 Violation—Penalty.

A. Any person who violates any of the provisions of the Code adopted by this Chapter or fails to comply with that Code, or who violates or fails to comply with any order made under that Code, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed in this chapter, is severally and for each and every such violation and noncompliance respectively, guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars or imprisonment not exceeding six months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained constitutes a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

C. Notwithstanding any other provision of this Code, whenever a violation of any section contained in this Chapter is punishable as a misdemeanor, the City Attorney may specify that the offense is an infraction pursuant to Section 1.24.010(D), and proceed with prosecution as an infraction, unless the defendant objects to the offense being made an infraction, in which event the court may elect to have the complaint amended to charge as a misdemeanor, and the case shall proceed on a misdemeanor charge.

Chapter 15.28: HOME MORTGAGE FINANCE PROGRAM

Sections:

15.28.010 Adoption.

15.28.020 Purposes.

15.28.030 Construction of provisions.

15.28.040 Authority of officers.

15.28.010 Adoption.

The city adopts a home mortgage finance program (the "program") pursuant to Chapters 1—5 of Part 5 of Division 31 of the Health and Safety Code of the state (the "Act") and declares its intention that the Northern California Finance Authority (the "Authority") issue revenue bonds pursuant to the Act to provide funds for the purpose of financing the acquisition, construction and rehabilitation of homes in accordance with the program and the home mortgage finance programs of the other parties to the Authority.

15.28.020 Purposes.

The city finds and declares that the program will serve the public purposes of providing financing for decent, safe and sanitary housing that people in the lower end of the purchasing spectrum can afford and of increasing the housing supply.

15.28.030 Construction of provisions.

The provisions of this chapter, being necessary for the welfare of the city and its inhabitants, shall be liberally construed to effect its purposes.

15.28.040 Authority of officers.

The proper officers of the city are authorized and directed to perform any acts and enter into and execute any agreements or other documents that they deem necessary or appropriate to implement this program.

Chapter 15.30: REPLACEMENT HOUSING

Sections:

- 15.30.010 Purpose.**
- 15.30.020 Definitions.**
- 15.30.030 Program Boundaries Map incorporated by reference.**
- 15.30.040 Applicability.**
- 15.30.050 Assistance to be provided—Residential units replaced with new residential units.**
- 15.30.060 Assistance to be provided—Residential units converted to or replaced with another use.**
- 15.30.070 Notice requirements.**
- 15.30.080 Relocation/replacement loans.**
- 15.30.090 Rules and regulations.**
- 15.30.100 Violation—Penalty.**

15.30.010 Purpose.

The purpose of the replacement housing ordinance codified in this chapter is to assist in developing and preserving affordable housing opportunities for low and moderate income households residing in the downtown area of Morgan Hill. The replacement housing ordinance codified in this chapter is intended to ensure that assistance is provided to households whose existing homes are replaced with higher density housing or commercial development by

requiring developers to provide relocation assistance to low and moderate income households whose homes are demolished, removed or converted to another use. Additionally, developers who demolish a residential unit occupied by low or moderate income households with new, higher density residential units will be required to provide one replacement unit on-site affordable to low-income persons. If a property contains two residential units which will both be demolished, the owner will be required to provide only one replacement unit. Commercial development replacing existing residential units occupied by low or moderate income housing will mitigate this impact through the payment of fees in lieu of replacement residential units. These fees will be paid into a special housing fund to provide low/moderate residential housing.

A. The city council finds and declares that the ordinance codified in this chapter will serve the public purposes of preserving and increasing the supply of affordable housing for low-income households.

B. The city council finds and declares that this chapter will prevent displacement of low and moderate income households from the city and will ease the burden of relocation through the provision of relocation benefits.

C. The city council finds that the adoption of the ordinance codified in this chapter will not have a significant, substantial or adverse effect on the physical environment of the community because enactment of the ordinance codified in this chapter involves no deviation from the general plan and no change in the present use of any property within the city. Further environmental review will be performed for individual projects as they are proposed to be constructed.

15.30.020 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

A. "Affordable rent" means monthly rent that does not exceed twenty-five percent of the monthly gross income of a household at the upper income limit of the applicable income category.

B. "Gross income" means the total gross income for federal income tax purposes of all adult members of a household who intend to permanently occupy the household.

C. "Low-income household" means a household with a gross income that does not exceed eighty percent of the median income.

D. "Median income" means the median gross yearly income for a household in Santa Clara County, adjusted for household size, as published by the state of California in Title 25, California Code of Regulations Section 6932 (or any successor code section), as periodically revised.

E. "Moderate-income household" means a household with a gross income that is greater than eighty percent of median income that does not exceed one hundred twenty percent of median income.

F. "Monthly gross income" means one-twelfth of the gross income as defined in subsection B.

G. "Residential unit" is any unit occupied as the primary place of residence of a household, regardless of zoning classification or permissible use of the building of which it is a part.

H. "The downtown neighborhood" means the areas within the designated outline shown on the boundaries map of the replacement housing program attached to the ordinance codified in this chapter and incorporated herein by this reference.

15.30.030 Program Boundaries Map incorporated by reference.

A map entitled "Program Boundaries Map, Replacement Housing Program" is incorporated herein by this reference and made a part of this chapter. This map shall be available for public inspection at the City Hall under the same terms and conditions as other public documents.

15.30.040 Applicability.

A. The provisions of this chapter shall apply to residential rental units located in the downtown neighborhood which are occupied by either a low-income household or a moderate-income household.

B. For purposes of this section, a residential dwelling unit shall be considered occupied by a low or moderate income household if a low or moderate income household currently occupied the unit, or has occupied the dwelling unit within six months prior to the date of submission of the application for increased residential density development or a change to commercial use.

C. For purposes of this section, a residential dwelling unit shall be considered occupied by a low or moderate income household if a low or moderate income household occupied the unit within one year of the date of application for increased residential density development or a change to commercial use where substantial evidence exists that the household was evicted or the tenancy was terminated by the landlord, including constructive eviction caused by harassment or failure to repair and maintain the residential unit for the purposes of avoiding the requirements of this section. Termination of tenancy by the owner or owner's agent within one year prior to the application, for any cause other than nonpayment of the rent, or damage to the premises, shall create a rebuttable presumption that the household was evicted for purposes of avoiding the requirements of this section.

15.30.050 Assistance to be provided—Residential units replaced with new residential units.

As a condition of approval for existing residential units in the downtown area to be replaced with new residential units of higher density, the owner is required to assist the existing low or moderate income households by providing temporary relocation assistance during demolition and construction of new units, and providing the first right of refusal for an on-site replacement housing unit to replace the previously existing units when construction is completed. The replacement housing units shall remain affordable for the longest feasible time but no less than that period of time required by regulations adopted by the redevelopment agency for use of housing moneys. If redevelopment funds are used, the new replacement unit shall remain affordable for the duration of land use controls of the city's redevelopment plan.

15.30.060 Assistance to be provided—Residential units converted to or replaced with another use.

As a condition of approval for existing residential units in the downtown area to be converted or replaced with use other than residential, the owner shall be required to provide relocation assistance to the existing tenants so they can move to suitable and affordable housing. Relocation assistance shall consist of all reasonable moving expenses (up to a maximum of seven hundred fifty dollars per household) and assistance in locating decent, safe, and sanitary affordable housing. At a minimum, the owner will be required to provide up to twelve months of assistance to the tenant in an amount which equals the reasonable increase in rent and utility costs, not to exceed a maximum total payment of four thousand two hundred dollars per household.

Additionally, the owner shall pay into a special housing fund to be established, fees to be set by resolution of the city council, which fees shall be used for the purpose of developing and constructing low and moderate income housing.

15.30.070 Notice requirements.

A. The property owner must provide a minimum of sixty days' advance notice in writing to the tenants of tenants' need to vacate the unit for demolition or conversion. Said notice shall inform the tenants of their options in terms of housing assistance. A sample "Notice to Tenants" containing the required information will be available as an appendix in the Rules and Regulations maintained pursuant to Section 15.30.090 to implement this chapter.

B. Notice under subsection A shall be given to all tenants residing in the dwelling unit at the time the application for demolition or conversion is made as well as to those tenants who occupied the dwelling unit within six months prior to the date of application but who have since moved. Additional notice will be required to be provided to any tenants who live in the unit within one year of the date of application but who are determined by the city to have been evicted for the purposes of avoiding the program requirements under this chapter.

C. The property owner shall make every reasonable effort to locate former tenants as required under subsection B and provide them with the required notice. The property owner shall maintain written documentation that efforts have been made to locate former tenants who might benefit from this chapter.

15.30.080 Relocation/replacement loans.

Any redevelopment housing funds available to the city will be made available to property owners who are required to provide both relocation assistance and replacement housing to tenants. Under the terms to be established by the redevelopment agency, loan funds will be available and shall be secured by the property on which replacement units are built or on the property to be converted to another use. Funds will only be provided where the project including replacement units is not economically feasible without assistance. In the event that redevelopment funds are utilized for a project, state law requirements regarding affordability and relocating may come into effect and will supersede the local requirements set forth in this chapter.

15.30.090 Rules and regulations.

The housing program coordinator shall make recommendations for rules and regulations as deemed necessary to implement this chapter. Implementing regulations shall be adopted by resolution of the city council and shall be maintained in the office of the city clerk. Such rules and regulations shall serve as an interpretation of this chapter.

15.30.100 Violation—Penalty.

Violations of this chapter shall be punished as provided for in Chapter 18.68 of this code.
Chapter 15.36 RESERVED

Chapter 15.40: BUILDING SECURITY

Sections:

Article I. - General Provisions and Administration

Article II. - Single-Family Dwellings

Article III. - Nonresidential Buildings

Article IV. - Hotels, Motels and Multiple Dwellings

Article I. General Provisions and Administration

- 15.40.010 Purpose.**
- 15.40.020 Definitions.**
- 15.40.030 Administration and enforcement—Scope.**
- 15.40.040 Applicability and compliance.**
- 15.40.050 Exemptions.**
- 15.40.060 Responsibility for compliance.**
- 15.40.070 Alternate materials and methods of construction.**
- 15.40.080 Keys and locks for tracts or commercial developments.**
- 15.40.090 Method of enforcement, appeals and variances.**
- 15.40.100 Chapter provisions not exclusive—Life safety factor.**
- 15.40.110 Right of entry.**
- 15.40.120 Appeals.**
- 15.40.130 Violation—Penalty.**

15.40.010 Purpose.

The purpose of the provisions of this chapter is to protect the general health, safety and welfare of the public and the protection of persons and property by providing minimum requirements to safeguard property against burglary and other unlawful trespasses. The minimum requirements will achieve this purpose by regulating and controlling the design, construction and quality of materials and equipment as they relate to security of all buildings and structures constructed after the effective date of the ordinance codified in this chapter or remodeled within the boundaries of the city as required in Sections 14050 and 14051 of the California Penal Code relating to building security.

15.40.020 Definitions.

For the purpose of this chapter, certain terms are defined as follows:

1. "Active door" means when two doors are installed as a pair, the active door is the one which must be opened first.
2. "Anti-shim device." Some spring bolts have this added feature to prevent the spring bolt from being depressed when the door is closed by slipping or shimmying. This device is normally adjacent to the bolt and is depressed by the strike when the door is closed.
3. "Armored strike" means a metal strike plate backed up by steel, designed to prevent jamb peeling, mortised into door jamb to restrain the bolt.
4. "Auxiliary locking device" means a secondary locking system added to the primary locking system to provide additional security.
5. "Bolt" means a metal bar which, when actuated, is projected (or "thrown") either horizontally or vertically into a retaining member, such as a strike plate, to prevent a door or window from moving or opening.
6. "Burglary-resistant glazing" means those materials as defined in the Underwriters Laboratory Bulletin 972.
7. "CBC" means the California Building Code. The CBC is dedicated to the development of building construction and safety to the public by uniformity in the building laws. The code is

founded on broad-base performance principles that make possible the use of new materials and new construction systems.

8. "Commercial building" means a building, or portion thereof, used for a purpose other than a dwelling.

9. "Cylinder" means the subassembly of a lock containing the cylinder core, tumbler mechanism and the keyway.

10. "Cylinder guard" means a free-turning solid metal protective device used to encompass the cylinder of a lock rendering it less vulnerable to wrenching and twisting attacks.

11. "Dead bolt" means a metal bolt which cannot be moved when the door is locked, and must be key operable and key, thumbturn or lever operable from the interior. The bolt must project a minimum of one inch from the edge of the door and must contain a cylinder guard on the exterior side when the cylinder is exposed.

12. "Deadlatch" or "deadlocking latch" means a spring-activated latch bolt having a beveled end and incorporating a plunger which, when depressed, automatically locks the projected latch bolt against return by end pressure.

13. "Door" means a hinged, sliding or other mechanically operated barrier which may be opened and closed to allow or prevent entrance or egress to a building or structure.

14. "Door stop" means a projection along the top and sides of a door jamb which checks the door's swinging action.

15. "Double-cylinder dead bolt" means a dead bolt lock which can be activated only by a key on both the interior and exterior.

16. "Dwelling" means a building or portion thereof designed exclusively for residential occupancy, including single-family and multifamily dwellings.

17. "Exit indicator" means a device which shows "open" or "locked" condition of exit door lock.

18. "Flushbolt" means a manual, key-operated or turn-operated metal bolt normally used on inactive doors and attached to the top and bottom of the door, engaging in the head and threshold of the frame.

19. "Hasp" means a fastening device consisting of a loop and slotted hinge plate.

20. "Jamb" means the vertical members of a door frame to which the door is secured.

21. "Multifamily dwelling" means a building or portion thereof designed for occupancy by two or more families living independently of each other, including hotels, motels, apartments, duplexes and townhomes.

22. "Padlock" means a locking device with a hardened steel shackle, locking heel and toe, with minimum five pin-tumbler operation, with nonremovable key when in an unlocked position.

23. "Panic hardware" means a latching device on a door assembly for use when emergency egress is required due to fire or other threat to life safety, devices designed so that they will facilitate the safe egress of people in case of an emergency when is applied to the releasing device in the direction of exit travel.

24. "Single-cylinder dead bolt" means a dead bolt lock which is activated from the outside by a key and from the inside by a knob, thumb-turn, lever or similar mechanism.

25. "Solid-core door" means a door composed of solid wood or composed of compressed wood equal in strength to solid wood construction.

26. "Strike" means a metal plate attached to or mortised into a door or door jamb to receive and to hold a projected latch bolt and/or dead bolt in order to secure the door to the jamb.

27. "UL Listed" means tested and listed by Underwriters Laboratory, Inc."

15.40.030 Administration and enforcement—Scope.

The provisions set forth in this chapter shall be administered and enforced by the building official or authorized agent and shall apply to the regulation and control of the design, construction and quality of materials and equipment as they relate to the security of all buildings and structures constructed or remodeled in the city after the effective date of the ordinance codified in this chapter. Buildings and structures constructed within industrial parks, business parks and planned unit developments (M-P and PUD zones) are exempt from the provisions of this chapter except that developers of such projects shall meet with the police department crime prevention unit and the building official to develop appropriate security measures.

15.40.040 Applicability and compliance.

A. The provisions of this chapter shall apply to new construction and to buildings or structures to which additions or alterations are made except as specifically provided by this chapter.

B. Existing multifamily dwelling units which are converted to privately owned family units (condominiums) shall comply with the provisions of Article II of this chapter.

C. Any existing structure which converts from its original occupancy group, as designated in the California Building Code, shall comply with the provisions of this chapter.

15.40.050 Exemptions.

Any building as defined in the CBC and Title 19 of the California Administrative Code, requiring special type releasing, latching or locking devices, other than described in this chapter, shall be exempt from the provisions of this chapter relating to locking devices of interior and/or exterior doors. (This section is intended to prevent confusion as to requirements for what is known as "panic hardware.")

15.40.060 Responsibility for compliance.

The applicant shall be responsible for compliance with the provisions set forth in this chapter.

15.40.070 Alternate materials and methods of construction.

A. The provisions of this chapter are not intended to prevent the use of any material or method of construction not specifically prescribed by this chapter provided any such alternate has been approved by the enforcing authority, nor is it the intention of this chapter to exclude any sound method of structural design or analysis not specifically provided for in this chapter. Materials, methods of construction, or structural design limitations provided for in this chapter are to be used unless an exception is granted by the enforcing authority.

B. The enforcing authority may approve any such alternate provided they find the proposed design to be satisfactory and the material and method of work is, for the purpose intended, at least equivalent to that prescribed in this chapter in quality, strength, effectiveness, burglary resistance, durability and safety.

15.40.080 Keys and locks for tracts or commercial developments.

Upon occupancy by the owner or proprietor, each single unit in a tract or commercial development, constructed under the same general plan, shall have locks using combinations which are interchange-free from locks used in all other separate dwellings, proprietorships or similar distinct occupancies.

15.40.090 Method of enforcement, appeals and variances.

Methods of the enforcement, appeal and the grant of variances under this chapter shall be those set forth within the municipal code of the city.

15.40.100 Chapter provisions not exclusive—Life safety factor.

None of the provisions set forth in this chapter shall supersede any local, state or federal laws, regulations or codes dealing with the life safety factor. Enforcement of these provisions shall be in cooperation with the local fire authority to avoid conflict with fire laws. No portion of this chapter shall supersede any local, state or federal law, regulation or codes dealing with life safety factors.

15.40.110 Right of entry.

The enforcing authority shall have the right, and is hereby authorized and empowered, to enter or go on or about any building or premises between eight a.m. and five p.m. for the purpose of inspecting the physical security of such buildings or premises, or for any other purposes consistent with this chapter. The enforcing authority shall be given access to any area of the building or premises upon oral notification to the responsible person, and upon exhibiting suitable evidence of their identity and authority; provided, however, that except in an emergency situation, an inspection warrant issued pursuant to Title 13, Part 3 of the Code of Civil Procedures (Sections 1322.50 to 1322.57, inclusive) shall first be secured when entry or access thereto is refused. Refusal to admit such member when an inspection warrant is not required is a misdemeanor.

15.40.120 Appeals.

In order to prevent or lessen the unnecessary hardship or practical difficulties in exceptional cases where it is difficult or impossible to comply with the strict letter of this chapter, the owner or his designated agent shall have the option to apply for an exemption from any provision of this chapter to the city council. The city council shall exercise its powers on these matters in such a way that the public welfare is secured, and substantial justice done most nearly in accord with the intent and purpose of this chapter.

15.40.130 Violation—Penalty.

A. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, move, improve, convert or demolish, equip, use, occupy or maintain any building or structure in the city, or cause those things to be done, contrary to or in violation of any of the provisions of this chapter.

B. Any person, firm or corporation violating any of the provisions of this chapter is guilty of an infraction and shall be punishable for each offense in the following manner:

1. A fine not exceeding fifty dollars for a first violation;
2. A fine not exceeding one hundred dollars for a second violation of this chapter within one year;
3. A fine not exceeding two hundred fifty dollars for each additional violation of this chapter within one year. Ord. 1861 N.S. § 11 (part), 2007:

Article II. Single-Family Dwellings

- 15.40.140 Applicability.**
- 15.40.150 House numbers.**
- 15.40.160 Exterior doors.**
- 15.40.170 Sliding patio-type doors.**
- 15.40.180 Windows—Security required when.**
- 15.40.190 Windows—Protection methods.**
- 15.40.200 Garage doors.**
- 15.40.210 Alternatives.**

15.40.140 Applicability.

Minimum standards for doors, windows, garage doors and house numbers in single-family dwellings are as set forth in Sections 15.40.150 to 15.40.210.

15.40.150 House numbers.

A. All residential dwellings shall display a street number in a prominent location on the street side of the residence in such a position that the number is easily visible to approaching emergency vehicles. The numerals shall be no less than four inches in height and shall be of a contrasting color to the background to which they are attached.

B. Homes whose address numbers are not clearly visible from fifty feet of the roadway surface or the front of the house is below or above grade level or the front of the house is blocked by landscaping or in any other way their immediate observation is blocked, shall be marked at the street entrance to the house and on the house itself so as to make the house immediately identifiable.

15.40.160 Exterior doors.

A. Exterior doors and doors leading from the garage area into the dwelling unit shall be of solid core construction with a minimum thickness of one and three-fourths inches, or with panels not less than five-sixteenths-inch thick.

B. All exterior doors for single-family dwellings shall have a single-cylinder or double-cylinder dead bolt lock. The bolt shall have a minimum throw of at least one inch and be constructed so as to repel cutting tool attack. (It may be desired to have dead bolt locks constructed so as to prevent the key from being removed from the interior cylinder when the bolt is projected.) A dual locking mechanism constructed so that both dead bolt and latch can be retracted by a single action of the inside doorknob, or lever, may be substituted provided it meets all other specifications for locking devices.

C. Doors leading from enclosed garage areas into single-family dwellings shall be equipped with a single-cylinder or double-cylinder dead bolt lock. Alternate devices equally resistant to illegal entry may be substituted subject to prior approval of the building official or his authorized agent.

D. Except where clear vision panels are installed, all front exterior doors shall be equipped with a wide-angle (one-hundred-eighty-degree) door viewer.

E. Openings for delivery of mail will be allowed and those openings shall be no larger than twenty-four square inches. The opening itself shall be no higher than one and one-half inches and shall be so constructed to prohibit access to the interior door knob.

F. Exterior doors swinging out shall have nonremovable hinges with studs.

- G. Exterior doors swinging in shall have rabbeted jambs.
- H. Jambs for all doors shall be constructed or protected so as to prevent violation of the strike. Jambs must include minimum two-and-one-half-inch solid construction around the strike area.
- I. Glazing in exterior doors or within forty inches of any locking mechanism shall be of fully tempered glass or rated burglary resistant glazing, except when double-cylinder dead bolt locks are installed.
- J. On double doors, the active leaf shall be equipped with a single-cylinder or double-cylinder dead bolt lock. The bolt shall have a minimum projection of one inch and be constructed so as to repel cutting tool attack.
- K. The inactive leaf of double doors shall be equipped with metal flush bolts having a minimum throw of five-eighths inch into the head and threshold of the door frame.

15.40.170 Sliding patio-type doors.

Sliding patio doors opening onto patios or balconies which are otherwise accessible from the outside:

- A. It will be permissible for single sliding patio doors to have the movable section of the door slide on the outside as well as the inside of the door, although both shall be provided with pins or sliding door locks that will render the door incapable of being lifted or slid upward. (Doors shall comply with tests as set forth in Section 15.40.020.)
- B. Sliding doors shall be equipped with a vertical-bolt-type lock which uses a hook-type bolt to grip the door and frame together. Mounting screws for the lock shall be inaccessible from the outside. Lock bolts shall be hardened steel or have hardened steel inserts and shall be capable of withstanding force of eight hundred pounds applied in any direction. (Sliding doors shall comply with tests as set forth in Section 15.40.020.)
- C. Double sliding patio doors must be locked at the meeting rail and meet the locking requirements of subsection B of this section.

15.40.180 Windows—Security required when.

A window, skylight or other light forming a part of the enclosure of a dwelling unit shall be constructed, installed and secured as set forth in Section 15.40.190, when such window, skylight or light is not more than twelve feet vertically and six feet horizontally of a street, highway, yard, court, passageway, corridor, balcony, patio, breezeway or any portion of the building which is available for use by the public or other tenants, or similar area. A window enclosing a private garage with an interior opening leading directly to a dwelling unit shall also comply with Section 15.40.190.

15.40.190 Windows—Protection methods.

- A. Windows shall be so constructed that when the window is locked it cannot be lifted from the frame.
- B. Window locking devices shall be capable of withstanding force of three hundred pounds applied in any direction. (Sliding windows shall comply with tests as set forth in Section 15.40.020.)
- C. Louvered glass windows shall not be used.

15.40.200 Garage doors.

All garage doors shall be secured as follows:

- A. Overhead garage doors shall not have bottom vents except those doors having double-louvered or shielded vents or approved alternate devices to protect the locking mechanisms.
- B. Manually operated garage doors shall be provided with slide bolts or any other locking device that will prohibit the garage door from being forced open from either side.

15.40.210 Alternatives.

Nothing contained in this article shall be deemed to prohibit the use of alternate materials, secondary lock devices or measures when such alternate provisions are deemed by the building official as providing equivalent security based on the recommendations of the crime prevention unit of the police department.

Article III. Nonresidential Buildings

15.40.220 Applicability.

15.40.230 Address numbers.

15.40.240 Doors.

15.40.250 Windows—Security requirements generally.

15.40.260 Transoms and awning windows.

15.40.270 Roof openings.

15.40.280 Hatchway openings.

15.40.290 Air duct or vent openings.

15.40.300 Ladders.

15.40.310 Open parking lots.

15.40.320 Alternatives.

15.40.220 Applicability.

Minimum standards for doors, windows, transoms and awning windows, roof openings, address numbers, and open parking lots in nonresidential buildings are set out in Sections 15.40.230 through 15.40.320.

15.40.230 Address numbers.

A. The address number of every commercial building shall be illuminated during the hours of darkness so that it will be easily visible from the street. The numerals in these numbers shall be no less than six inches in height and be of a color contrasting to the background. In addition, any business which affords vehicular access to the rear through any driveway, alleyway or parking lot shall also display the same numbers on the rear of the building.

B. All exterior commercial doors, during the hours of darkness, shall be illuminated with a minimum of one foot-candle of light. All exterior bulbs shall be protected by vandalism-resistant covers.

15.40.240 Doors.

All exterior doors shall be secured as follows:

- A. A single door shall be equipped with a single-cylinder or double-cylinder dead bolt. The bolt shall have a minimum projection of one inch and be constructed so as to repel cutting tool

attack. A hook or expanding bolt can be used providing it has a throw of three-fourths inch, depending on type of occupancy.

The provisions of the preceding paragraph do not apply where (1) panic hardware is required, or (2) an equivalent device is approved by the enforcing authority.

B. On double doors, the active leaf shall be secured with the type of lock required for single doors in subsection A of this section. The inactive leaf of a double door shall be equipped with metal flush bolts having a minimum throw of five-eighths inch into the head and threshold of the door frame.

C. Any single or pair of doors requiring locking at the bottom or top rail shall have locks with a minimum five-eighths-inch throw at top and bottom rails.

D. Exterior sliding commercial entrances shall be secured as set out in subsections A and B of this section with special attention given to safety regulations. Sliding doors shall meet with the fire code if for exit purposes.

E. Rolling overhead doors, solid overhead swinging, sliding or accordion-type garage doors shall be secured with a cylinder lock on the inside and/or padlocks on both sides of the door, when not otherwise controlled or locked by electric power operation.

F. Metal accordion grate or grill-type doors shall be equipped with metal guide tracks on top and bottom, and a cylinder lock and/or padlock. The bottom track shall be so designed that the door cannot be lifted from the track when the door is in a locked position.

G. Outside hinges on all exterior doors shall be provided with nonremovable pins when using pin-type hinges.

H. Except when double-cylinder dead bolts are utilized, the glass panels adjacent to door frames or within forty inches of any door locking mechanism shall be constructed or protected as follows:

1. Fully tempered glass or rated burglary-resistant glazing; or
2. Iron or steel grills of at least one-eighth-inch material with a minimum two-inch mesh secured on the inside of the glazing may be utilized; or
3. The glazing shall be covered with iron bars of at least one-half-inch round or one-inch-by-one-fourth-inch flat steel material, spaced not more than five inches apart, secured on the inside of the glazing;
4. Subdivisions 2 and 3 of this subsection shall not interfere with the operation of opening windows if such windows are required to be openable by the California Building Code.

I. Doors swinging in shall have rabbeted jambs.

J. Jambs for all doors shall be constructed as follows:

1. Wooden frames shall be a minimum of two inches thick.
2. Hollow steel frames can be used if the residual air space behind the frame is filled with a crush-resistant material such as cement grout, especially in the area of the strike.

K. All exterior commercial doors, during the hours of darkness, shall be illuminated with a minimum of one foot-candle of light. All exterior bulbs shall be protected by vandalism-resistant covers.

15.40.250 Windows—Security requirements generally.

A. Windows shall be deemed accessible if less than twelve feet above the ground. Accessible rear and side windows not viewable from the street shall consist of fully tempered glass or burglary-resistant glazing.

B. If the accessible side or rear window is of the operable type it shall be secured on the inside with a locking device capable of withstanding a force of three hundred pounds applied in any direction.

C. Louvered windows shall not be used within eight feet of any accessible area.

D. Outside hinges on all accessible side and rear glass windows shall be provided with nonremovable pins. If the hinge screws are accessible, the screws shall be of the nonremovable type.

E. The following window barriers may be used but shall be secured with nonremovable bolts:

1. Inside or outside iron bars of at least one-half-inch round or one-fourth-inch flat steel material, spaced not more than five inches apart and securely fastened; or

2. Inside or outside iron or steel grills of at least one-eighth-inch material with not more than a two-inch mesh and securely fastened;

3. The protective bars or grills shall not interfere with the operation of opening windows if such windows are required to be openable by the California Building Code. Window openings required by the building code for access by the fire department shall be protected by a material approved by the fire department.

15.40.260 Transoms and awning windows.

All exterior transoms and awning windows exceeding sixty square inches on the side and rear of any building or premises used for business purposes shall be protected by one of the following:

A. Fully tempered glass or rated burglary-resistant glazing; or

B. Iron or steel grills of at least one-eighth-inch material with a minimum two-inch mesh securely fastened; or

C. Iron bars of at least one-half-inch round or one-by-one-fourth-inch flat steel material spaced not more than five inches apart and securely fastened;

D. The protective bars or grills shall not interfere with the operation of opening the transoms if such transoms are required to be openable by the California Building Code.

15.40.270 Roof openings.

All skylights on the roof of any building or premises used for business purposes shall be provided with:

A. Rated burglary-resistant glazing; or

B. Iron bars of at least one-half-inch round or one-by-one-fourth-inch flat steel material under the skylight and securely fastened; or

C. A steel grill of at least one-eighth-inch material with a maximum two-inch mesh under the skylight and securely fastened.

15.40.280 Hatchway openings.

All hatchway openings on the roof of any building or premises used for business purposes shall be secured as follows:

A. If the hatchway is of wooden material, it shall be covered on the inside with at least sixteen U.S. gauge sheet metal, or its equivalent, attached with screws.

B. The hatchway shall be secured from the inside with a slide bar or slide bolts. (Approval from the fire department is needed.)

C. Outside hinges on all hatchway openings shall be provided with nonremovable pins when using pin-type hinges.

15.40.290 Air duct or vent openings.

A. All air duct or air vent openings exceeding ninety-six square inches on the roof or exterior walls of any building or premises used for business purposes shall be secured by covering them with either of the following:

1. Iron bars of at least one-half-inch round or one-by-one-fourth-inch flat steel material spaced no more than five inches apart and securely fastened; or
2. Iron or steel grills of at least one-eighth-inch material with a maximum two-inch mesh and securely fastened;

B. If the barrier is on the outside, it shall be secured with bolts which are nonremovable from the exterior;

C. Subsections A.1. and A.2. must not interfere with venting requirements creating a potentially hazardous condition to health and safety or conflict with the provisions of the California Building Code.

15.40.300 Ladders.

Any ladder, excluding fire escapes, located on the exterior of any building which could provide access to the roof shall be not less than ten feet from any accessible area.

15.40.310 Open parking lots.

Open parking lots and access thereto, for the use of the general public, shall be provided with two foot-candles of minimum maintained lighting on the parking surface from dusk until the beginning of business every operating day.

15.40.320 Alternatives.

Nothing contained in this article shall be deemed to prohibit the use of alternate materials, secondary lock devices or measures when such alternate provisions are deemed by the building official as providing equivalent security based on the recommendations of the crime prevention unit of the police department.

Article IV. Hotels, Motels and Multiple Dwellings

15.40.330 Applicability.

15.40.340 Entrance doors to individual units.

15.40.350 Exterior doors—Multiple dwelling building.

15.40.360 Sliding patio-type doors.

15.40.370 Windows—Security required when.

15.40.380 Window protection.

15.40.390 Garage doors.

15.40.400 Open parking lots.

15.40.410 Address numbers on multifamily dwellings.

15.40.420 Lighting in multifamily dwellings.

15.40.430 Alternatives.

15.40.330 Applicability.

Minimum standards for doors, windows, garage doors, address numbers, open parking lots and lighting for hotels, motels and multifamily dwellings are as set out in Sections 15.40.340 through 15.40.430.

15.40.340 Entrance doors to individual units.

- A. All wood doors shall be solid core with a minimum thickness of one and three-fourths inches as per standards set forth in the California Building Code.
- B. All entrance doors to individual units shall have dead bolt locks in addition to dead locking latches. The locks shall be so constructed that both the dead bolt and dead locking latch can be retracted by a single action of the inside doorknob. Alternate devices equally resistant to illegal entry may be substituted subject to prior approval of the building official.
- C. Doors swinging out shall have rabbeted jambs.

15.40.350 Exterior doors—Multiple dwelling building.

- A. Exterior doors and doors leading from garage areas into a multiple dwelling building and doors leading into stairwells below the sixth floor level shall have self-locking devices.
- B. On pairs of doors, the active leaf shall be secured with the type of lock required for single doors. The inactive leaf shall be equipped with lever flush extension bolts with a minimum throw of three-fourths inch at head and foot.

15.40.360 Sliding patio-type doors.

Sliding patio-type doors opening onto patios or balconies which are accessible from the outside:

- A. It will be permissible for single sliding patio doors to have the movable section of the door slide on the outside as well as the inside of the door although both shall be provided with pins or sliding door locks that will render the door incapable of being lifted or slid upward. (Doors shall comply with tests as set forth in Section 15.40.020.)
- B. Sliding doors shall be equipped with a vertical-bolt-type lock which uses a hook-type bolt to grip door and frame together. Mounting screws for the lock shall be inaccessible from the outside. Lock bolts shall be hardened steel or have hardened steel inserts and shall be capable of withstanding force of eight hundred pounds applied in any direction. (Sliding doors shall comply with tests as set forth in Section 15.40.020.)

15.40.370 Windows—Security required when.

A window, skylight or other light forming a part of the enclosure of a dwelling unit shall be constructed, installed and secured as set forth in Section 15.40.380, when such window, skylight or light is not more than twelve feet vertically and six feet horizontally from a street, highway, yard, court, passageway, corridor, balcony, patio, breezeway or any portion of the building which is available for use by the public or other tenants, or similar area. A window enclosing a private garage with an interior opening leading directly to a dwelling unit shall also comply with Section 15.40.380.

15.40.380 Window protection.

- A. Windows shall be so constructed that when the window is locked it cannot be lifted from the frame.

B. Window locking devices shall be capable of withstanding force of three hundred pounds applied in any direction. (Sliding windows shall comply with tests as set forth in Section 15.40.020.)

C. Louvered windows shall not be used.

15.40.390 Garage doors.

All garage doors shall be secured as follows:

A. Overhead garage doors shall not have bottom vents except those doors having double-louvered or shielded vents or approved alternate devices to protect the locking mechanism.

B. Manually operated garage doors shall be provided with slide bolts or any other locking device that will prohibit the garage door from being forced open from either side.

15.40.400 Open parking lots.

Open parking lots and carports shall be provided with a maintained minimum of two foot-candles of light on the parking surface during the hours of darkness. Lighting devices shall be protected by vandalism-resistant covers.

15.40.410 Address numbers on multifamily dwellings.

There shall be positioned at the main entrance of the multifamily dwelling complex an illuminated diagrammatic representation of the complex which shows the location of the viewer and the unit designations within the complex. In addition, each individual unit within the complex shall display a prominent identification number, not less than four inches in height, which is easily visible to approaching vehicular and/or pedestrian traffic.

15.40.420 Lighting in multifamily dwellings.

Aisles, passageways and recesses related to and within the building complex shall be illuminated with an intensity of at least twenty-five one-hundredths (.25) footcandles at the ground level during the hours of darkness. Lighting devices shall be protected by vandalism-resistant covers.

15.40.430 Alternatives.

Nothing contained in this article shall be deemed to prohibit the use of alternate materials, secondary lock devices or measures when such alternate provisions are deemed by the building official as providing equivalent security based on the recommendations of the crime prevention unit of the police department.

Chapter 15.44 FIRE CODE

Sections:

- 15.44.010 Adoption of the 2013 California Fire and 2012 International Fire Code.**
- 15.44.015 Adoption of Appendix Chapters**
- 15.44.020 Short Title; International Fire Code and California Fire Code Defined.**
- 15.44.030 Establishment and Duties of Bureau of Fire Prevention.**
- 15.44.040 Modification of Provisions by Chief.**
- 15.44.050 Establishment of Limits of Districts.**
- 15.44.060 Additions, Amendments and Deletions.**
- 15.44.070 Permits.**

- 15.44.080 Inspections.**
- 15.44.090 Appeals.**
- 15.44.100 Chapter 2 - Definitions.**
- 15.44.110 Chapter 3 - General Precautions Against Fire.**
- 15.44.120 Chapter 4 - Emergency Planning and Preparedness.**
- 15.44.130 Chapter 5 - Fire Service Features.**
- 15.44.140 Chapter 6 - Building Services and Systems.**
- 15.44.150 Chapter 8 - Interior Finish, Decorative Materials and Furnishings.**
- 15.44.160 Chapter 9 - Fire Protection Systems.**
- 15.44.170 Chapter 28 - Lumber Yards and Wood Working Facilities.**
- 15.44.180 Chapter 33- Fire Safety During Construction and Demolition.**
- 15.44.190 Chapter 49 - Requirements for Wildland-Urban Interface Fire Areas.**
- 15.44.200 Chapter 50 - Hazardous Materials - General Provisions.**

- 15.44.210 Chapter 56 - Explosives and Fireworks.**
- 15.44.220 Chapter 57 - Flammable and Combustible Liquids**
- 15.44.230 Chapter 60 - Highly Toxic and Toxic Materials.**
- 15.44.240 Chapter 64 - Pyrophoric Materials**

15.44.010 Adoption of the 2013 California Fire and 2012 International Fire Codes.

There is hereby adopted by reference that certain Code known and designated as the California Code of Regulations, Title 24, Part 9, further described and referred to as the 2013 California Fire Code published by the California Building Standards Commission and based on the International Fire Code®, 2012 Edition, prepared by the International Code Council, including Appendix Chapters B, C and K, save and except such portions as are hereinafter deleted, modified or amended by this Chapter. Such Code shall be and become the Morgan Hill Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Morgan Hill. One copy of the Code shall be kept on file at all times in the office of the city building official and the administrative offices of the Morgan Hill Fire Department for use and examination by the public.

15.44.015 Adoption of Appendix Chapters.

The following Appendix Chapters from the 2013 California Fire Code are hereby adopted.

Appendix B: Fire Flow Requirements for Buildings.

Appendix C: Fire Hydrant Locations and Distribution.

Appendix K: Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses.

15.44.020 Short Title; International Fire Code and California Fire Code Defined.

This Chapter shall be known as the "Fire Code" and may be cited as such. Whenever the phrase "International Fire Code" appears in this Code or any ordinance of the City, such phrase shall be deemed and construed to refer to and apply to the International Fire Code, 2012 Edition, as adopted and amended by this Chapter. Whenever the phrase "California Fire Code" appears in this Code or any ordinance of the City, such phrase shall be deemed and construed to refer to and

apply to the 2013 California Fire Code, as adopted and amended by this Chapter. Sections amended or modified in this Chapter shall refer to the sections of the California Fire Code unless otherwise specified.

15.44.030 Establishment and Duties of Bureau of Fire Prevention.

The California Fire Code and International Fire Code shall be enforced by the bureau of fire prevention in the Morgan Hill Fire Department, which shall be operated under the supervision of the chief of the department.

15.44.040 Modification of Provisions by Chief.

A. The Chief of the Morgan Hill Fire Department shall have power to modify any of the provisions of the Fire Code upon application in writing by the owner or lessee, or their duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Codes, provided that the spirit of the Codes shall be observed, public safety secured and substantial justice done.

B. The particulars of such modification, when granted or allowed, and the decision of the chief shall be entered in the records of the department and a signed copy shall be furnished to the applicant for modification.

15.44.050 Establishment of Limits of Districts.

A. Storage of stationary tanks of flammable cryogenic fluids are to be prohibited.

The limits referred to in Section 5806.2 of the California Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as all locations of the City of Morgan Hill which are residential and congested commercial areas as determined by the Fire Code official.

B. Storage of Class I and II liquids in outside aboveground tanks is prohibited.

The limits referred to in Section 5704.2.9.6.1 of the California Fire Code, in which the storage of flammable or combustible liquids in aboveground tanks is prohibited, are hereby established as all locations of the City of Morgan Hill that are residential or congested commercial areas as determined by the Fire Code official.

C. Storage of Class I and II liquids in aboveground tanks is prohibited.

The limits referred to in Section 5706.2.4.4 of the California Fire Code, in which the storage of flammable or combustible liquids in aboveground tanks is prohibited are hereby established as all locations of the City of Morgan Hill that are residential or other locations as determined by the Fire Code official.

D. Storage of liquefied petroleum gases ("LPG") is prohibited.

The limits referred to in Section 6104.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as all locations of the City of Morgan Hill that are residential or congested commercial areas.

Exceptions: LPG may be used for industrial operations or when natural gas is not available or would not provide a viable substitute for LPG. Portable containers for temporary heating and/or cooking uses may be permitted if stored and handled in accordance with this Code. Facilities in commercial areas for refueling portable or mobile LPG containers may be approved by the Fire Code Official on a case by case basis.

15.44.060 Additions, Amendments and Deletions.

A. In accordance with California Health and Safety Code Section 17958.7, certain modifications to the California Fire Code as set forth in this Chapter are reasonably necessary because of local climatic, geologic or topographical conditions.

B. Findings: The City of Morgan Hill experiences low humidity, high winds and warm temperatures during the summer months creating conditions which are particularly conducive to the ignition and spread of grass, brush and structure fires. The remoteness and steepness of hillside areas in the City significantly impact the ability of emergency responders to extinguish or control wildland or structure fires. These factors cumulatively mandate special provisions for the creation of defensible space around homes and ignition resistant construction. Additional express findings either already on file with the California Building Standards Commission or will be filed prior to the effective date of the ordinance codified in this Article.

15.44.070 Modifications Relating to Permits.

A. Section 105.6.8 of the California Fire Code to read:

105.6.8 Compressed Gases. An operational permit is required for the storage, use or handling at normal temperature and pressure ("NPT") of compressed gases in excess of the amounts listed in Table 105.6.8 to install any piped distribution system for compressed gases or to install a non-flammable medical gas manifold system. A permit is required to install, repair, abandon, remove, place temporarily out of service, close or substantially modify a compressed gas system.

Exceptions:

1. Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.
2. Routine maintenance.
3. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.
4. Inert and simple asphyxiants at or below the amounts listed in Table 105-A.
The permit applicant shall apply for approval to close storage, use or handling facilities at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan. This 30-day period may be waived by the chief if there are special circumstances requiring such waiver.

B. Table 105.6.8 of the California Fire Code to read:

**TABLE 105.6.8
PERMIT AMOUNTS FOR COMPRESSED GASES¹**

| TYPE OF GAS | AMOUNT(cubic feet) ² |
|--|---------------------------------|
| | X 0.0283 for m ³ |
| Corrosive | 200 |
| Flammable (except cryogenic and liquefied petroleum gases) | 200 |
| Highly toxic | Any amount |
| Inert and simple asphyxiant | 6,000 |
| Irritant | 200 |
| Moderately toxic | 20 |
| Other health hazards | 650 |

| | |
|------------------------------|------------|
| Oxidizing (including oxygen) | 504 |
| Pyrophoric | Any amount |
| Radioactive | Any amount |
| Sensitizer | 200 |
| Toxic | Any Amount |
| Unstable (reactive) | Any amount |

¹ Refer to Chapters 27, 30, 32, 35, 37, 40 and 41 for additional requirements and exceptions.

² Cubic feet measured at normal Temperature and pressure.

D. Table 105.6.20 of the California Fire Code to read:

TABLE 105.6.20 □ PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

| <i>TYPE OF MATERIAL</i> | <i>AMOUNT</i> |
|-------------------------------|----------------------|
| Carcinogens | 10 pounds |
| Combustible liquids | See Section 105.6.16 |
| Corrosive materials: | See Section 105.6.8 |
| Gases | 55 gallons |
| Liquids | 500 pounds |
| Solids | |
| Cryogens | See Section 105.6.10 |
| Explosive materials | See Section 105.6.14 |
| <i>TYPE OF MATERIAL</i> | <i>AMOUNT</i> |
| Flammable materials: | See Section 105.6.8 |
| Gases | See Section 105.6.16 |
| Liquids | 10 pounds |
| Solids | |
| Highly toxic materials: Gases | Any amount |
| Liquids | Any amount |
| Solids | Any amount |
| Moderately toxic gas | 20 cubic feet |
| Organic peroxides: | Any Amount |
| Liquids: Class I-IV | No Permit Required |
| Liquids: Class V | Any Amount |
| Solids: Class I-IV | No Permit Required |
| Solids: Class V | |
| Oxidizing materials: | 504 Cubic Feet |
| Gases | Any amount |
| Liquids | Any amount |
| Solids | |
| Pyrophoric materials: | Any amount |
| Gases | Any amount |
| Liquids | Any amount |

| | |
|--------------------------------|------------|
| Solids | |
| Toxic materials: | Any amount |
| Gases | Any amount |
| Liquids | Any amount |
| Solids | |
| Unstable (reactive) materials: | Any amount |
| Gases | Any amount |
| Liquids | Any amount |
| Solids | |
| Water reactive materials: | Any amount |
| Liquids | Any amount |
| Solids | |

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.

- a. 20 gallons when table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less.
- b. 200 pounds when table 5003.1.191 (1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 gallons or less.

E. Section 105.6.48 of the California Fire Code to read:

105.6.48 Day Care Facility. An operational permit is required to operate a business as a day care facility for more than 6 people.

F. Section 105.6.49 of the California Fire Code to read:

105.6.49 Institutional. A permit is required to operate, maintain, or use any institutional type occupancy. For the purpose of this Section, an institution shall be, but is not limited to: hospitals, children's home, home or institution for insane or mentally retarded persons, home or institution for the care of aged or senile persons, sanitarium, nursing or convalescent home, certified family care homes, residential care homes for the elderly, out of home placement facilities, halfway house, and day care nurseries or similar facility of any capacity.

G. Section 105.6.50 is added to read:

105.6.50 Radioactives. To store or handle at any installation more than one microcuri (37,000 becquerel) of radioactive material not contained in a sealed source or sources, or any amount of radioactive material for which a specific license from the Nuclear Regulatory Commission.

H. Section 105.7.3 is amended to read as follows:

105.7.3 Compressed Gases. A construction permit is required to install any piped distribution system for compressed gasses, or to install a non-flammable medical gas manifold system. A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, close or substantially modify a compressed gas system.

Exceptions:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

The permit applicant shall apply for approval to close storage, use or handling facilities at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or handling of compressed or liquefied gases.

Such application shall include any change or alteration of the facility closure plan. This 30-day period may be waived by the chief if there are special circumstances requiring such waiver.

Section 105.7.4 is amended to read:

105.7.4 Cryogenic Fluids. A construction permit is required for installation of or alteration to cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.6.10. Maintenance performed in accordance with this code is not considered an alteration and does not require a construction permit.

Section 106.5 is added to read:

15.44.080 Inspections.

Section 106.5 of the California Fire Code to read:

106.5 Final Inspection. No final inspection as to all or any portion of a development shall be deemed completed until the installation of the required fire protection facilities and access ways have been completed and approved. No final certificate of occupancy may be granted until the Fire Department issues notice of final clearance of such fire protection facilities and access ways to the Building Department.

15.44.100 Modification relating to violations.

Section 109.3 is deleted.

15.44.100 Chapter 2 - Definitions.

A. The following definitions in Section 202 of the California Fire Code to read:

Carcinogen. A substance that causes the development of cancerous growths in living tissue. A chemical is considered a carcinogen if:

1. It has been evaluated by the International Agency for Research on Cancer and found to be a carcinogen or potential carcinogen, or
2. It is listed as a carcinogen or potential carcinogen in the latest edition of the Annual Report on Carcinogens published by the National Toxicology program, or
3. It is regulated by OSHA as a carcinogen.

Amend the following definition to read:

Continuous Gas Detection System. An approved gas detection system where the analytical instrument is maintained in continuous operation and sampling is performed without interruption. Analysis is allowed to be performed on a cyclical basis at intervals not to exceed 30 minutes. In occupied areas where air is re-circulated and not exhausted to a treatment system (e.g. breathing zone), the Chief may require a cyclical basis at intervals not to exceed 5 minutes. The gas detection system shall be able to detect the presence of a gas at or below the permissible exposure limit in occupiable areas and at or below ½ IDLH (or 0.05 LC 50 if no established IDLH) in unoccupiable areas.

Add the following definition to read:

Corrosive Liquid.

1. any liquid which, when in contact with living tissue, will cause destruction or irreversible alteration of such tissue by chemical action;
2. any liquid having a pH of 2 or less or 12.5 or more;
3. any liquid classified as corrosive by the U.S. Department of Transportation; and
4. any material exhibiting the characteristics of corrosivity in accordance with Title 22, California Code of Regulations §66261.22.

Device. An appliance or piece of equipment that plays an active part in the proper functioning of the regulated systems. Examples include, but are not limited to, the following: smoke detectors, heat detectors, flame detectors, manual pull stations, horns, alarms, bells, warning lights, hydrants, risers, FDCs, standpipes, strobes, control panels, transponders, and other such equipment used to detect, transmit, initiate, annunciate, alarm, or respond according to the system design criteria.

Add the following definition to read:

Maximum Threshold Quantity ("Max TQ"). The maximum quantity of a moderately toxic or toxic gas, which may be stored in a single vessel before a more stringent category or regulation is applied. The following equation shall be used to calculate the Max TQ:

$$\text{Max TQ (pounds)} = \text{LC50 (ppm)} \times 2 \text{ lb.}$$

For gas mixtures containing one or more toxic, highly toxic or moderately toxic components, LC50 shall be calculated using CGA Standards P-20 and P-23 as referenced in Appendix E, Section 103.1.3.1 in the California Fire Code.

Add the following definition to read:

Moderately Toxic Gas. A chemical or substance that has a median lethal concentration (LC50) in air more than 2000 parts per million but not more than 5000 parts per million by volume of gas or vapor, when administered by continuous inhalation for an hour, or less if death occurs within one hour, to albino rats weighing between 200 and 300 grams each.

Add the following definition to read:

Other Health Hazard Material. A hazardous material which affects target organs of the body, including but not limited to, those materials which produce liver damage, kidney damage, damage to the nervous system, act on the blood to decrease hemoglobin function, deprive the body tissue of oxygen or affect reproductive capabilities, including mutations (chromosomal damage) or teratogens (effect on fetuses).

Add the following definition to read:

Sensitizer. A chemical that causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure to the chemical.

Amend the following definition to read:

Workstation. A defined space or independent principal piece of equipment using hazardous materials where a specific function, laboratory procedure or research activity occurs. Approved or listed hazardous materials storage cabinets, flammable liquid storage cabinets or gas cabinets serving a workstation are included as part of the workstation. A workstation is allowed to contain ventilation equipment, fire protection devices, electrical devices, and other processing and scientific equipment.

15.44.110 Chapter 3 – General Precautions Against Fire.

The following Sections of the California Fire Code to read:

Section 311 Vacant Premises

A. Section 311.1 amended to read:

311.1 General. Temporarily unoccupied buildings, structures, premises or portions thereof, including tenant spaces, shall be safeguarded and maintained in accordance with Sections 311.1 through 311.4.

B. Section 316.7 of the California Fire Code to read:

316.7 Roof Guardrails at Interior Courts. Roof openings into interior courts that are bounded on all sides by building walls shall be protected with guardrails. The top of the guardrail shall not be less than 42 inches in height above the adjacent roof surface that can be walked on.

Intermediate rails shall be designed and spaced such that a 12-inch diameter sphere cannot pass through.

Exception: Where the roof opening is greater than 600 square feet in area.

15.44.120 Chapter 4 - Emergency Planning and Preparedness.
Chapter of the 2012 International Fire Code is not adopted.

15.44.130 Chapter 5 - Fire Service Features.

A. Section 503.1 of the California Fire Code to read:

503.1 Where Required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.2 and as per Fire Department access road Standards.

B. Section 503.2.1 of the California Fire Code to read:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of 13 feet 6 inches (4115 mm).

Exception: When there are not more than two Group R, Division 3, or Group U occupancies, the access road width may be modified by the fire code official.

C. Section 504 of the California Fire Code to read:

504.5 Access Control Devices. When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to the building, are installed, such devices shall be approved by the fire code official. All electrically powered access control devices shall be provided with an approved means for deactivation or unlocking from a single location or otherwise approved by the fire department. Access control devices shall also comply with Chapter 10 Egress in the California Fire Code.

D. Section 510.1.1 of the California Fire Code to read:

510.1.1 Obstruction by New Buildings. When it is determined that a new structure obstructs the line of sight emergency radio communications to existing buildings or to any other locations, the developer of the structure shall provide and install the radio retransmission equipment necessary to restore communications capabilities. The equipment shall be located in an approved space or area within the new structure.

15.44.140 Chapter 6 - Building Services and Systems.

A. Section 605.11 of the California Fire Code to read:

605.11 Immersion Heaters. All electrical immersion heaters used in dip tanks, sinks, vats and similar operations shall be provided with approved over-temperature controls and low liquid level electrical disconnects. Manual reset of required protection devices shall be provided.

B. Section 608.6.4 to read:

608.6.4 Failure of Ventilation System. Failure of the ventilation system shall automatically disengage the charging system.

15.44.150 Chapter 8 - Interior Finish, Decorative Materials and Furnishings.

A. Section 806.1 of the California Fire Code to read:

806.1.1 Display Inside Buildings. The display of Christmas trees and other decorative vegetation in new and existing buildings shall be in accordance with the California Code of Regulations, Title 19, Division 1, §3.08 and §§806.1 through 806.5.

1. Exceptions: Trees located in areas protected by an approved automatic sprinkler system in accordance with Section 903.1.1 or 903.3.1.2 shall not be prohibited in Groups A, E, M, R-1 and R-2.
2. Trees shall be allowed within dwelling units in Group R-2 occupancies.

15.44.160 Chapter 9 - Fire Protection Systems.

A. Section 903.2 of the California Fire Code to read:

903.2 Where Required. Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.18 of the California Fire Code, whichever is the more restrictive.

For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

1. In other than residential buildings which require the installation of fire sprinklers for all new buildings according to the California Residential Code, an automatic sprinkler system shall be provided throughout all new buildings and structures.

Exceptions:

- a. Buildings and structures that do not exceed 1,000 square feet of building area and that are not located in the Wildland-Urban Interface Fire Area.
- b. Buildings and structures that are located in the Wildland-Urban Interface Fire Area and do not exceed 500 square feet of building area.
- c. Group S-2 or U occupancies that are not located in the Wildland-Urban Interface and used exclusively for vehicle parking and meeting all of the following conditions:
 - a. Non combustile construction
 - b. Maximum building area not to exceed 5,000 square feet
 - c. Structure is open on three (3) or more sides
 - d. Minimum of 10 feet separation from existing buildings unless area is separated by fire walls complying with California Building Code Section 706.
2. An automatic sprinkler system shall be provided throughout existing buildings and structures when alterations or additions are made that create conditions described in Sections 903.2.1 through 903.2.18 of the California Fire Code.
3. An automatic sprinkler system shall be provided throughout existing buildings and structures, when additions are made that increase the building area to more than 3,600 square feet.

Exception: One or more additions made to the building after January 1, 2011 that do not total more than 1000 square feet of building area.
4. An automatic sprinkler system shall be provided throughout all new basements regardless of size and throughout existing basements that are expanded by more than 50%.
5. Any change in the character of occupancy or in use of any building with a building area equal to or greater than 3,600 square feet which, in the opinion of the fire code official or building official, would place the building into a more hazardous division of the same occupancy

group or into a different group of occupancies and constitutes a greater degree of life safety¹ or increased fire risk², shall require the installation of an approved fire automatic fire sprinkler system.

¹Increased occupant load, public assembly areas, public meeting areas, churches, indoor amusement attractions, buildings with complex exiting systems due to increased occupant loads, large schools/daycare facilities, large residential care facilities with non ambulatory.

²Fire Risks - High-piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustible materials), increased sources of ignition (welding, automotive repair with use of flammable liquids and open flames).

B. Section 903.1.1 of the California Fire Code to read:

903.3.1.1 NFPA 13 Sprinkler Systems. Where the provisions of this Code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Section 903.3.1.1.1 and local standards.

1. For new buildings having no designated use or tenant, the minimum sprinkler design density shall be Ordinary Hazard Group 2. Where future use or tenant is determined to require a higher density, the sprinkler system shall be augmented to meet the higher density.

15.44.170 Chapter 28 - Lumber Yards and Woodworking Facilities.

A. Section 2803.8 of the California Fire Code to read:

2803.8 Fire Protection Water Supply System. An approved fire protection water supply and hydrant system suitable for the fire hazard involved shall be provided for open storage yards and processing areas. Hydrant systems shall be installed in accordance with NFPA 24.

15.44.180 Chapter 33- Fire Safety During Construction and Demolition.

A. Section 3304.8 of the California Fire Code to read:

3304.8 Fire Walls. When firewalls are required, the wall construction shall be completed (with all openings protected) immediately after the building is sufficiently weather-protected at the location of the wall(s).

B. Section 3311.1 to read:

3311.1 Stairways Required. Each level above the first story in new multi-story buildings that require two exit stairways shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls/windows are in place. Exit stairs in new and in existing, occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

Exception: For new multi-story buildings, one of the required exit stairs may be obstructed on not more than two contiguous floor levels for the purposes of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.).

C. Section 3311.1.1 of the California Fire Code to read:

Section 3311.1.1 Required Means Of Egress. All new buildings under construction shall have at least one unobstructed means of egress. All means of egress shall be identified in the prefire plan see Section 3308.2.

15.44.190 Chapter 49 -Requirements for Wildland-Urban Interface Fire Areas.

The following definition in Section 4902 – DEFINITIONS – to read:

Wildland-Urban Interface Fire Area is a geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. See Article 86B for the applicable referenced sections of the Government Code and the Public Resources Code. The Wildland-Urban Interface Fire Area shall be defined as all areas within the City of Morgan Hill as set forth and delineated on the map entitled "Wildland-Urban Interface Fire Area" which map and all notations, references, data and other information shown thereon are hereby adopted and made a part of this chapter. The map properly attested, shall be on file in the Office of the City Clerk of the City of Morgan Hill.

Modifications to SECTION 4906 - HAZARDOUS VEGETATION AND FUEL MANAGEMENT

A. Section 4906.2 to read:

4906.2 Application. Buildings and structures located in the following areas shall maintain the required hazardous vegetation and fuel management:

1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Areas (SRA) including:
 - 1.1. Moderate Fire Hazard Severity Zones
 - 1.2. High Fire Hazard Severity Zones
 - 1.3. Very-High Fire Hazard Severity Zones
2. Land designated as a Very-High Fire Hazard Severity Zone or as a Wildland Urban Interface Fire Area by the City of Morgan Hill.

B. Section 4907.1 to read:

4907.1 General. Defensible space will be maintained around all buildings and structures in Sate Responsibility Area (SRA) as required in Public Resources Code 4290 and "SRA Fire Safe Regulations" California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270.

Buildings and structures within the Very-High Fire Hazard Severity Zones of a Local Responsibility Area (LRA) shall maintain defensible space as outlined in Government Code 51175 – 51189 and any local ordinance of the authority having jurisdiction.

Defensible space shall also be provided around water tank structures, water supply pumps and pump houses.

Persons owning, leasing, controlling, operating or maintaining buildings or structures in the locally adopted Wildland-Urban Interface Fire Area but that are not within the Very-High Fire Hazard Severity Zone and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective defensible space by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet (9144 mm) of such buildings or structures.

Exception: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.
2. Maintain additional effective defensible space by removing brush, flammable vegetation and combustible growth located 30 feet to 100 feet (9144 mm to 30480 mm) when required by the fire code official due to steepness of terrain or other conditions that would cause a defensible space of only 30 feet (9144 mm) to be insufficient.

Exception: Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees, which extend within 10 feet (3048 mm) of the outlet of a chimney.
4. Maintain trees adjacent to or overhanging a building free of deadwood; and
5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.
6. Remove flammable vegetation a minimum of 30 feet around liquefied petroleum gas tanks/containers.

7. Firewood and combustible materials shall not be stores in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. The storage of firewood and combustible material within the defensible space shall be located a minimum of 30 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).

Exception: Firewood and combustible materials not for consumption on the premises shall be stores as approved by the Fire Code Official.

8. Clear areas within 10 feet (3048 mm) of fire apparatus access roads and driveways of non-fire-resistive vegetation growth.

Exception: Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

C. Section 4907.2 to read:

4907.2 Corrective Actions. The executive body is authorized to instruct the fire code official to give notice to the owner of the property upon which conditions regulated by Section 4907.1 exist to correct such conditions. If the owner fails to correct such conditions, the executive body is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.

D. Section 4980 to read:

SECTION 4908 - FIRE PROTECTION PLAN

4908.1 General. When required by the code official, a fire protection plan shall be prepared.

4908.2 Content. The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

4908.3 Cost. The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

4908.4 Plan Retention. The fire protection plan shall be retained by the fire code official.

E. Section 4909 to read:

SECTION 4909 - WATER SUPPLY

4909.1 General. Buildings and structures, or portions thereof, hereafter constructed or relocated into or within the Wildland-Urban Interface Fire Area shall be provided with fire protection water supplies in accordance with Chapter 5 and Sections 4910.2 and 4910.3.

Exception:

Buildings containing only private garages, carports, sheds and agricultural buildings with a building area of not more than 500 square feet (56 m²).

4909.2 Standby Power. Stationary water supply facilities within the wildland-urban interface

area dependent on electrical power to meet adequate water supply demands shall provide standby power systems in accordance with the Electrical Code to ensure that an uninterrupted water supply is maintained. The standby power source shall be capable of providing power for a minimum of two hours.

Exceptions:

1. When approved by the code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground.
2. A standby power supply is not required where the stationary water supply facility serves no more than one single-family dwelling.

F. Section 4910 to read:

SECTION 4910 - IGNITION SOURCE CONTROL

4910.1 Fireworks. Fireworks shall not be used or possessed in the Wildland-Urban Interface Fire Area.

15.44.200 Chapter 50 - Hazardous Materials – General Provisions.

A. Section 5001.2.2.2 of the California Fire Code to read:

5001.2.2.2 Health Hazards. The material categories listed in this section are classified as health hazards. A material with a primary classification as a health hazard can also pose a physical hazard.

1. Highly toxic and toxic materials.
2. Corrosive materials.
3. Moderately toxic gas.
4. Other health hazards.

B. Section 5003.1.3.1 of the California Fire Code to read:

5003.1.3.1 Toxic, Highly Toxic, Moderately Toxic Gases and Similarly Used or Handled Materials. The storage, use and handling of toxic, highly toxic and moderately toxic gases in amounts exceeding Table 6004.2 or 6004.3 shall be in accordance with this Chapter and Chapter 60 of the California Fire Code. Any toxic, highly toxic or moderately toxic material that is used or handled as a gas or vapor shall be in accordance with the requirements for toxic, highly toxic or moderately toxic gases.

D. Section 5003.1.5 of the California Fire Code to read:

5003.1.5 Other Health Hazards. The storage, use and handling of materials classified as other health hazards including carcinogens, irritants and sensitizers in amounts exceeding 810 cubic feet for gases, 55 gallons for liquids and 5,000 pounds for solids shall be in accordance with this Section 5003.

E. Section 5003.1.6 of the California Fire Code to read:

5003.1.6 Spill Control and Secondary Containment Requirements. A containment system shall be required for all hazardous materials, which are liquids or solids at normal temperature, and pressure (NTP) where a spill is determined to be a plausible event and where such an event would endanger people, property or the environment. Construction shall be substantial, capable of safely and securely containing a sudden release without discharge. Design criteria shall be performance oriented and constructed of physically and chemically compatible materials to resist degradation and provide structural and functional integrity for a period of time reasonably necessary to ensure detection, mitigation, and repair of the primary system. Regardless of quantities, secondary containment shall also comply with Section 5004.2.

F. Section 5003.2.2.1 of the California Fire Code to read:

5003.2.2.1 Design and Construction. Piping, tubing, valves, fittings and related components used for hazardous materials shall be in accordance with the following:

1. Piping, tubing shall be designed and fabricated from materials compatible with the material to be contained and shall be of adequate strength and durability to withstand the pressure, structural and seismic stress, and exposure to which they are subject.
2. Piping and tubing shall be identified in accordance with ASME A13.1 and Santa Clara County Fire Chiefs Marking Requirements and Guidelines for Hazardous Materials and Hazardous Waste to indicate the material conveyed.
3. Readily accessible manual valves or automatic remotely activated fail-safe emergency shutoff valves shall be installed on supply piping and tubing at the following locations:

3.1. The point of use.

3.2. The tank, cylinder or bulk use.

4. Manual emergency shutoff valves and controls for remotely activated emergency shutoff valves shall be identified and the location shall be clearly visible accessible and indicated by means of a sign.
5. Backflow prevention or check valves shall be provided when the backflow of hazardous materials could create a hazardous condition or cause the unauthorized discharge of hazardous materials.
6. Where gases or liquids having a hazard ranking of:

Health hazard Class 3 or 4

Flammability Class 4

Reactivity Class 4

in accordance with NFPA 704 are carried in pressurized piping above 15 pounds per square inch gauge (psig)(103 Kpa), an approved means of leak detection, emergency shutoff and excess flow control shall be provided. Where the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical.

Exceptions:

1. Piping for inlet connections designed to prevent backflow.
2. Piping for pressure relief devices.

7. Secondary containment or equivalent protection from spills shall be provided for piping for liquid hazardous materials and for highly toxic and toxic corrosive gases above threshold quantities listed in Tables 3704.2 and 3704.3. Secondary containment includes, but is not limited to double walled piping.

Exceptions:

1. Secondary containment is not required for toxic corrosive gases if the piping is constructed of inert materials.
2. Piping under sub-atmospheric conditions if the piping is equipped with an alarm and fail-safe-to-close valve activated by a loss of vacuum.

8. Expansion chambers shall be provided between valves whenever the regulated gas may be subjected to thermal expansion. Chambers shall be sized to provide protection for piping and instrumentation and to accommodate the expansion of regulated materials.

G. Section 5003.2.2.2 of the California Fire Code to read:

5003.2.2.2 Additional Regulation for Supply Piping for Health Hazard Materials. Supply piping and tubing for gases and liquids having a health hazard ranking of 3 or 4 shall be in accordance with ASME B31.3 and the following:

8.1. Piping and tubing utilized for the transmission of toxic, highly toxic, or highly volatile corrosive liquids and gases shall have welded, threaded or brazed connections throughout except for connections within an exhausted enclosure if the material is a gas, or an approved method of drainage or containment is provided for connections if the material is a liquid.

8.2. Piping and tubing shall not be located within corridors, within any portion of a means of egress required to be enclosed in fire-resistance-rated construction or in concealed spaces in areas not classified as Group H Occupancies.

Exception:

Piping and tubing within the space defined by the walls of corridors and the floor or roof above or in concealed space above other occupancies when installed in accordance with Section 415.8.6.3 of the California Building Code as required for Group H, Division 5 Occupancies.

8.3. All primary piping for toxic, highly toxic and moderately toxic gases shall pass a helium leak test of 1×10^{-9} cubic centimeters/second where practical, or shall pass testing in accordance with an approved, nationally recognized standard. Tests shall be conducted by a qualified "third party" not involved with the construction of the piping and control systems.

H. Section 5003.3.1 of the California Fire Code to read:

5003.3.1 Unauthorized Discharges. When hazardous materials are released in quantities reportable under state, federal or local regulations or when there is release or a threatened release that presents a threat to health, property or the environment, the fire code official shall be notified immediately in an approved manner and the following procedures required in accordance with Sections 5003.3.1.1 through 5003.3.1.4.

I. Section 5003.5.2 of the California Fire Code to read:

5003.5.2 Ventilation Ducting. Product conveying ducts for venting hazardous materials operations shall be labeled with the hazard class of the material being vented and the direction of flow.

J. Section 5003.5.3 of the California Fire Code to read:

5003.5.3 "H" Occupancies. In "H" occupancies, all piping and tubing may be required to be identified when there is any possibility of confusion with hazardous materials transport tubing or piping. Flow direction indicators are required.

K. Section 5003.9.11 of the California Fire Code to read:

5003.9.11 Fire Extinguishing Systems for Workstations Dispensing, Handling or Using Hazardous Materials. Combustible and non-combustible workstations, which dispense, handle or use hazardous materials, shall be protected by an approved automatic fire extinguishing system in accordance with Section 2703.10.

Exception:

Internal fire protection is not required for Biological Safety Cabinets that carry NSF/ANSI certification where quantities of flammable liquids in use or storage within the cabinet do not exceed 500ml.

M. Section 5004.2.1 is hereby amended to read:

5004.2.1 Spill Control for Hazardous Material Liquids. Rooms, buildings or areas used for storage of hazardous material liquids shall be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid-tight floors in indoor locations or similar areas provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems.
4. Other approved engineered systems.

Except for surfacing, the floors, sills, dikes, sumps and collection systems shall be constructed of noncombustible material, and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills or dikes are provided, they are not required at perimeter openings having an open-grate trench across the opening that connects to an approved collection system.

N. Section 5004.2.2 to read:

5004.2.2 Secondary Containment for Hazardous Material Liquids and Solids. Buildings, rooms or areas used for the storage of hazardous materials liquids or solids shall be provided with secondary containment in accordance with this section. O. Table: 2704.2.2 - REQUIRED SECONDARY CONTAINMENT FOR HAZARDOUS MATERIAL SOLIDS AND LIQUIDS STORAGE - is hereby deleted.

210 Chapter 56- Explosives and Fireworks.

A. Section 5601.1 of the California Fire Code to read:

5601.1 Scope. For explosives requirements see California Code of Regulations, Title 19, Division 1, Chapter 10 and section 3301.2 of this Chapter. For fireworks requirements see California Code of Regulations, Title 19, Division 1, Chapter 6 and section 5601.3 of this Chapter. For small arms ammunition, see Section 3301.5 of this Chapter.

Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
4. Items preempted by federal regulations.

B. Section 5601.2 of the California Fire Code to read:

5601.2 Explosives. The possession, manufacture, storage, sale, handling, and use of explosives are prohibited.

C. Section 5601.3 of the California Fire Code to read:

5601.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.

Exceptions:

- a. Storage, handling and use of fireworks and pyrotechnic special effects outside of buildings when used for public or proximate audience displays, motion picture,

television, theatrical and group entertainment productions and when in accordance with Title 19 of the California Code of Regulations.

- b. Storage, handling and use of pyrotechnic special effects fireworks inside of buildings when used for proximate audience displays or special effects in theatrical, television, motion picture and group entertainment productions when in accordance with Title 19 of the California Code of Regulations and when in buildings equipped throughout with an approved fire sprinkler system.

D. Section 5601.4 of the California Fire Code to read:

5601.4 Rocketry. The storage, handling, and use of model rockets shall be in accordance with Title 19 of the California Code of Regulations and as approved by the Fire Code Official.

E. Sections 5601.5 through 5601.3.2.3 of the California Fire Code to read:

5601.5 Small Arms Ammunition-General. Indoor storage and display of black powder, smokeless propellants and small arms ammunition shall comply with Sections 5601.5.1 through 5601.5.4.2.3.

5601.5.1 Packages. Smokeless propellants shall be stored in approved shipping containers conforming to DOTn 49 CFR, Part 173.

5601.5.1.1 Repackaging. The bulk repackaging of smokeless propellants, black powder and small arms primers shall not be performed in retail establishments.

5601.5.1.2 Damaged Packages. Damaged containers shall not be repackaged.

Exception: Approved repackaging of damaged containers of smokeless propellant into containers of the same type and size as the original container.

5601.5.2 Storage in Group R Occupancies. The storage of small arms ammunition in Group R occupancies shall comply with Sections 5601.5.2.1 through 5601.5.2.3.

5601.5.2.1 Smokeless Propellants. Smokeless propellants intended for personal use in quantities not exceeding 20 pounds (9 kg) are permitted to be stored in Group R-3 occupancies where kept in original containers. Smokeless powder in quantities exceeding 20 pounds (9 kg) but not exceeding 50 pounds (23 kg) are permitted to be stored in Group R-3 occupancies where kept in a wooden box or cabinet having walls of at least 1 inch (25 mm) nominal thickness.

5601.5.2.2 Black Powder. Black powder intended for personal use in quantities not exceeding 20 pounds (9 kg) are permitted to be stored in Group R-3 occupancies where kept in original containers and stored in a wooden box or cabinet having walls of at least 1 inch (25 mm) nominal thickness.

5601.5.2.3 Small Arms Primers. No more than 10,000 small arms primers shall be stored in Group R-3 occupancies.

5601.5.3 Display and Storage in Group M Occupancies. The display and storage of small arms ammunition in Group M occupancies shall comply with Sections 5601.5.3.1 through 5601.5.3.2.3.

5601.5.3.1 Display. The display of small arms ammunition in Group M occupancies shall comply with Sections 5601.5.3.1.1. through 5601.5.3.1.3.

5601.5.3.1.1 Smokeless Propellant. No more than 20 pounds (9 kg) of smokeless propellants, each in containers of 1 pound (0.454 kg) or less capacity, shall be displayed in Group M occupancies.

5601.5.3.1.2 Black Powder. No more than 1 pound (0.454 kg) of black powder shall be displayed in Group M occupancies.

5601.5.3.1.3 Small Arms Primers. No more than 10,000 small arms primers shall be displayed in Group M occupancies.

5601.5.3.2 Storage. The storage of small arms ammunition in Group M occupancies shall comply with Sections 5601.5.3.2.1 through 5601.5.3.2.3.

5601.5.3.2.1 Storage of Smokeless Propellant. Commercial stocks of smokeless propellants not on display shall not exceed 100 pounds (45 kg). Quantities exceeding 20 pounds (9 kg), but not exceeding 100 pounds (45 kg) shall be stored in portable wooden boxes having walls of at least 1 inch (25 mm) nominal thickness.

5601.5.3.2.2 Black Powder. Commercial stocks of black powder not on display shall not exceed 50 pounds (23 kg) and shall be stored in a type 4 indoor magazine. When black powder and smokeless propellants are stored together in the same magazine, the total quantity shall not exceed that permitted for black powder.

5601.5.3.2.3 Small Arms Primers. Commercial stocks of small arms primers not on display shall not exceed 750,000. Storage shall be arranged such that not more than 100,000 small arms primers are stored in any one pile and piles are at least 15 feet (4572 mm) apart.

15.44.220 Chapter 57 – Flammable and Combustible Liquids.

A. Section 5704.2.7.5.8 of the California Fire Code to read:

5704.2.7.5.8 Overfill Prevention. An approved means or method in accordance with Section 5704.2.9.6.6 shall be provided to prevent the overfill of all Class I, II and IIIA liquid storage tanks. Storage tanks in refineries, bulk plants or terminals regulated by Sections 5706.4 or 5706.7 shall have overfill protection in accordance with API 2350.

An approved means or method in accordance with Section 5704.2.9.7.6 shall be provided to prevent the overfilling of Class IIIB liquid storage tanks connected to fuel-burning equipment inside buildings.

B. Section 5704.2.7.5.9 of the California Fire Code to read:

5704.2.7.5.9 Automatic Filling of Tanks. Systems that automatically fill flammable or combustible liquid tanks shall be equipped with overfill protection, approved by the fire code official, that sends an alarm signal to a constantly attended location and immediately stops the filling of the tank. The alarm signal and automatic shutoff shall be tested on an annual basis and records of such testing shall be maintained on-site for a period of five (5) years.

15.44.230 Chapter 60 - Highly Toxic and Toxic Materials.

A. Section 6001.3 of the California Fire Code is hereby added to read:

6001.3 Moderately Toxic Gases with a LC50 Equal to or Less Than 3000 Parts Per Million. Notwithstanding the hazard class definition in Section 3702, moderately toxic gases with an LC50 less than 3000 parts per million shall additionally comply with the requirements for toxic gases in Section 6004 of this Code.

B. Section 6004 –Definitions of the California Fire Code read:

~~elas~~C. Section 6004 of the California Fire Code to read:

SECTION 6004 - Highly Toxic, Toxicand Moderately Toxic Compressed Gases, Including Those Used as Refrigerants.

D. Section 6004.1.4 of the California Fire Code to read:

6001.1.4 Automatic Shut-Off Valve. An automatic shut-off valve, which is of a fail-safe to close design, shall be provided to shut off the supply of highly toxic gases for any of the following:

1. Activation of a manual fire alarm system.
2. Activation of the gas detection system.

3. Failure of emergency power.
4. Failure of primary containment.
5. Seismic activity.
6. Failure of required ventilation.
7. Manual activation at an approved remote location.

F. Section 6004.1.5 of the California Fire Code to read:

6004.1.5 Emergency Control Station. Signals from emergency equipment used for highly toxic gases shall be transmitted to an emergency control station or other approved monitoring station, which is continually staffed by trained personnel.

G. The following subsections of Section 6004.1.6 of the California Fire Code to read:

6004.1.6 Maximum Threshold Quantity. Toxic gases stored or used in quantities exceeding the maximum threshold quantity in a single vessel per control area or outdoor control area shall comply with the additional requirements for highly toxic gases of Section 3704 of this Code.

Moderately toxic gases stored or used in quantities exceeding the maximum threshold quantity in a single vessel per control area or outdoor control area shall comply with the additional requirements for toxic gases of Section 6004 of this code

6004.1.7 Reduced Flow Valve. All containers of materials other than lecture bottles containing Highly Toxic material and having a vapor pressure exceeding 29 psia shall be equipped with a reduced flow valve when available. If a reduced flow valve is not available, the container shall be used with a flow-limiting device. All flow limiting devices shall be part of the valve assembly and visible to the eye when possible; otherwise, they shall be installed as close as possible to the cylinder source.

6004.18 Fire Extinguishing Systems. Buildings and covered exterior areas for storage and use areas of materials regulated by this Chapter shall be protected by an automatic fire sprinkler system in accordance with NFPA 13. The design of the sprinkler system for any room or area where highly toxic, toxic and moderately toxic gases are stored, handled or used shall be in accordance with Section 5004.5.

6004.1.9 Local Gas Shut Off. Manual activation controls shall be provided at locations near the point of use and near the source, as approved by the fire code official. The fire code official may require additional controls at other places, including, but not limited to, the entry to the building, storage or use areas, and emergency control stations.

Manual activated shut-off valves shall be of a fail-safe-to-close design.

6004.1.10 Exhaust Ventilation Monitoring. For highly toxic gases and toxic gases exceeding threshold quantities, a continuous monitoring system shall be provided to assure that the required exhaust ventilation rate is maintained. The monitoring system shall initiate a local alarm. The alarm shall be both visual and audible and shall be designed to provide warning both inside and outside of the interior storage, use, or handling area.

6004.1.11 Emergency Response Plan. If the preparation of an emergency response plan for the facility is not required by any other law, responsible persons shall prepare, or cause to be prepared, and filed with the fire code official, a written emergency response plan. If the preparation of an emergency response plan is required by other law, a responsible person shall file a copy of the plan with the fire code official.

6004.1.12 Cylinder Leak Testing. Cylinders shall be tested for leaks immediately upon delivery and again immediately prior to departure. Testing shall be approved by the fire code official in accordance with appropriate nationally recognized industry standards and practices, if any. Appropriate remedial action shall be immediately undertaken when leaks are detected.

6004.1.13 Inert Gas Purge System. Gas systems shall be provided with dedicated inert gas purge systems. A dedicated inert gas purge system may be used to purge more than one gas, provided the gases are compatible. Purge gas systems inside buildings shall be located in an approved gas cabinet unless the system operates by vacuum demand.

6004.1.14 Seismic Shutoff Valve. An automatic seismic shut-off valve, which is of a fail-safe to close design, shall be provided to shutoff the supply of highly toxic, toxic and moderately toxic gases with an LC₅₀ less than 3000 parts per million upon a seismic event within 5 seconds of a horizontal sinusoidal oscillation having a peak acceleration of 0.3G (1.47m/sec²) and a period of 0.4 seconds.

H. Section 6004.2 of the California Fire Code to read:

6004.2 Indoor Storage and Use. The indoor storage or use of highly toxic, toxic and moderately toxic compressed gases shall be in accordance with Sections 6004.2.1 through 6004.2.2.10.3.3. The threshold quantity for highly toxic, toxic and moderately toxic gases for indoor storage and use are set forth in Table 6004.2.

I. Table 6004.2 of the California Fire Code to read:

| Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases for Indoor Storage and Use | |
|--|---------------|
| Highly Toxic | 0 |
| Toxic | 10 cubic feet |
| Moderately Toxic | 20 cubic feet |

J. Section 6004.2.1 and its subsections of the California Fire Code to read:

6004.2.1 Applicability. The applicability of regulations governing the indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be as set forth in Sections 6004.2.1.1 through 6004.2.1.3.

6004.2.1.1 Quantities Not Exceeding the Maximum Allowable Quantity Per Control Area. The indoor storage or use of highly toxic, toxic and moderately toxic gases in amounts exceeding the maximum allowable quantity per control area set forth in Table 3704.2 shall be in accordance with Sections 5001, 5003, 6001, 6004.1 and 6004.2.

6004.2.2 General Indoor Requirements. The general requirements applicable to the indoor storage and use of highly toxic and toxic compressed gases shall be in accordance with Sections 6004.2.2.1 through 6004.2.2.10.3.

Moderately toxic gases with an LC₅₀ less than 3000 parts per million shall comply with the requirements for toxic gases in Sections 6004.2.2.1 through 6004.2.2.10.3.

All other moderately toxic gases exceeding the threshold quantity shall comply with the requirements for toxic gases in Sections 6004.2.2.1 through 6004.2.2.7.

K. Section 6004.2.2.7 of the California Fire Code to read:

6004.2.2.7 Treatment Systems. The exhaust ventilation from gas cabinets, exhausted enclosures, gas rooms and local exhaust systems required in Section 6004.2.2.4 and 6004.2.2.5 shall be directed to a treatment system. The treatment system shall be utilized to handle the accidental release of gas and to process exhaust ventilation. The treatment system shall be designed in accordance with Sections 6004.2.2.7.1 through 6004.2.2.7.5 and Section 510 of the California Mechanical Code.

Exceptions:

1. Highly toxic, toxic and moderately toxic gases storage. A treatment system is not required for cylinders, containers and tanks in storage when all of the following are provided:

- 1.1. Valve outlets are equipped with gas-tight outlet plug or caps.
- 1.2. Hand wheel-operated valves have handles secured to prevent movement.
- 1.3. Approved containment vessels or containment systems are provided in accordance with Section 6004.2.2.3.

L. Section 6004.2.2.10.2 of the California Fire Code to read:

6004.2.2.10.2 Alarms. The gas detection system shall initiate a local alarm and transmit a signal to a constantly attended control station when a short-term hazard condition is detected. The alarm shall be both visual and audible and shall provide warning both inside and outside the area where the gas is detected. The audible alarm shall be distinct from all other alarms.

M. Section 6004.3 of the California Fire Code to read:

6004.3 Outdoor Storage and Use. The outdoor storage or use of highly toxic, toxic and moderately toxic compressed gases shall be in accordance with Sections 6004.3.1 through 6004.3.4. The threshold quantity for highly toxic, toxic and moderately toxic gases for outdoor storage and use are set forth in Table 6004.3.

N. Table 6004.3 of the California Fire Code to read:

| Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases for Outdoor Storage and Use | |
|---|---------------|
| Highly Toxic | 0 |
| Toxic | 10 cubic feet |
| Moderately Toxic | 20 cubic feet |

O. Section 6004.3.1 of the California Fire Code to read:

6004.3.1 Applicability. The applicability of regulations governing the outdoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be as set forth in Sections 6004.3.1.1 through 6004.3.1.3.

P. Section 6004.3.1.1 of the California Fire Code to read:

6004.3.1.1 Quantities Not Exceeding the Maximum Allowable Quantity Per Control Area. The outdoor storage or use of highly toxic and toxic gases in amounts exceeding the threshold quantity per control area set forth in Table 3704.3 shall be in accordance with Sections 5001, 5003, 6001, 6004.1 and 6004.3.

Moderately toxic gases with an LC50 less than 3000 parts per million in amounts exceeding the threshold quantity in Table 6004.3 shall comply with the requirements for toxic gases in Sections 5001, 5003, 6001, 6004.1 and 6004.3.2.1 through 6004.3.2.5.

Moderately toxic gases in amounts exceeding the threshold quantity in Table 6004.3 shall comply with the requirements for toxic gases in Sections 5001, 5003, 6001, 6004.1 and 6004.3.2.1 through 6004.3.2.5.

Q. Section 6004.3.3 of the California Fire Code to read:

6004.3.3 Outdoor Storage Weather Protection for Portable Tanks and Cylinders. Weather protection in accordance with Section 5004.13 shall be provided for portable tanks and cylinders located outdoors and not within gas cabinets or exhausted enclosures. The storage area shall be equipped with an approved automatic sprinkler system in accordance with Section 5004.5.

15.44.230 Chapter 64 - Pyrophoric Materials.

Section 6405.3.1 of the California Fire Code to read:

6405.3.1 Silane Distribution Systems Automatic Shutdown. Silane distribution systems shall automatically shut down at the source upon activation of the gas detection system at levels above the alarm level and/or failure of the ventilation system for the silane distribution system.

Chapter 15.48 RESERVED

Chapter 15.52: MOVING BUILDINGS

Sections:

- 15.52.010 Definitions.**
- 15.52.020 Permit required.**
- 15.52.030 Application.**
- 15.52.040 Filing fee.**
- 15.52.050 Investigations and report.**
- 15.52.060 Investigation beyond city limits.**
- 15.52.070 Site and architectural review—Required documents.**
- 15.52.080 Site and architectural review—Findings of community development director.**
- 15.52.090 Site and architectural review—Intercity and intracity moves.**
- 15.52.100 Site and architectural review—Appeals.**
- 15.52.110 Termite inspection.**
- 15.52.120 Notice to public utility companies.**
- 15.52.130 Permit issuance.**
- 15.52.140 Permit denial.**
- 15.52.150 Notice on new site.**
- 15.52.160 Red lights, barricade and traffic officer.**
- 15.52.170 Violation—Penalty.**

15.52.010 Definitions.

For the purposes of this chapter, certain terms, phrases and words shall be construed as follows:

- A. "Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.
- B. "Building official" means the building official of the city or his regularly authorized deputy.
- C. "Person" means a natural person, his heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of them.
- D. "Structure" means that which is built or constructed, an edifice, or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
- E. "Termite inspector" means any person who is duly licensed by the state to perform the work of pest or termite control or inspection.

15.52.020 Permit required.

No person, firm or corporation shall move or transport any building or structure from any lot, site or location inside or outside the city to a lot or location inside the city nor shall remove any building or structure from the city without first obtaining a permit from the building official for each building or structure to be moved or removed.

15.52.030 Application.

To obtain a permit to move or remove a building or structure the applicant shall first file an application therefor in writing on a form furnished for that purpose by the building official. Every such application shall contain the following information:

- A. The location and legal description of the land on which the building or structure to be moved or removed is situated at the time of the application;
- B. The location and legal description of the land to which the building or structure is to be moved;
- C. The alterations or additions, if any, to be made to the building or structure to be moved or removed;
- D. The name and address of the person who will install the foundations and do any other necessary work that may be required at the new site, if the building or structure is to be moved or removed to land within the city;
- E. The name and address of the person who will move the building or structure to be moved or removed;
- F. The use made of the building or structure to be moved or removed at the time of the application for a permit to move or remove the building or structure;
- G. The use to be made of the building or structure if it is to be moved or removed to land within the city;
- H. Any such other information as may reasonably be required by the building official.

15.52.040 Filing fee.

Prior to, or at the time of, filing any application for a permit to move or remove a building or structure a fee shall be paid by the applicant to defray the reasonable cost of investigations and other services required of the building official pursuant to this chapter. The filing fee provided for in this section shall be in addition to other permit fees which are required to erect, construct, enlarge, alter, repair, improve and convert any structural, electrical, plumbing and heating work required for any building, or to demolish any building or structure pursuant to other applicable laws or ordinances.

15.52.050 Investigations and report.

- A. The building official upon receipt of an application for a permit to move or remove a building or structure pursuant to this chapter shall make all necessary inspections to determine whether such building or structure may be moved safely without demolishing or destroying the same and without coming in contact with live electrical wires, and shall determine whether or not the proposed location of any building or structure sought to be moved or removed in the city meets other laws or ordinances appertaining thereto.
- B. Upon the making of inspections and the completion of the investigation of the application for a permit to move or remove any building or structure, the building official shall make and file a written report of his findings and recommendations with every such application for a permit to

move or remove a building or structure, and shall certify that the posting required by Section 15.52.070 has been completed.

C. The application shall also be examined and reviewed by the planning commission of the city to check compliance with other laws and ordinances of the city. All permits granted must have prior approval of the planning commission.

15.52.060 Investigation beyond city limits.

Where investigations under this chapter are required to be made by the building official beyond the city limits, the applicant shall pay an hourly rate with a one hour minimum from City Hall to the site where the inspection is made; this charge shall be additional to other fees required to be paid for the application under this chapter.

15.52.070 Site and architectural review—Required documents.

In addition to the other requirements set forth in Section 15.52.050(D) regarding the contents of the application, the applicant shall submit the requisite number of plans and documents for site and architectural review. The plans shall include, but not be limited to, the site plan, landscape plan, and building elevations.

15.52.080 Site and architectural review—Findings of community development director.

No permit to move or remove a building or structure pursuant to this chapter shall be granted until the community development director has determined that the architectural and general outside appearance of the subject building is in keeping with the character of the neighborhood, and the location and design of the building is such that it will not be detrimental to the public health, safety or general welfare of the neighborhood in which the building is proposed to be moved.

15.52.090 Site and architectural review—Intercity and intracity moves.

The provisions for site approval and architectural control set forth in this section shall apply to all buildings being moved from one location in the city to another location in the city as well as to buildings being moved into the city from outside the city.

15.52.100 Site and architectural review—Appeals.

Any person aggrieved by or dissatisfied with, or excepting to any decision made by the community development director may appeal in the manner prescribed in Chapter 18.64 of Title 18. The planning commission shall affirm, reverse or modify the decision appealed from. Action by the planning commission shall be final, unless there is a further appeal to the city council, in which case, the city council action shall be final.

15.52.110 Termite inspection.

All buildings referred to in this chapter, before any permit to move them is granted, shall be thoroughly and competently inspected by a licensed termite inspector who shall certify in writing that the buildings are free from termites, vermin, dry rot and/or other pests, fungi or decay.

15.52.120 Notice to public utility companies.

A copy of the application filed in this chapter shall immediately be sent by the city clerk or building official to any and all public utility companies servicing the city.

15.52.130 Permit issuance.

If the written report of the building official shows that the building or structure specified in the application may be moved safely without demolishing or destroying it and without coming into contact with live electrical wires, and if that report and the report of the planning commission show that the new location of the building or structure within the city and the building or structure when located on the site will conform with the requirements of all laws and ordinances applicable thereto, the building official shall issue the permit to move or remove the building or structure upon fulfillment of the following conditions by the applicant:

A. The person named in the application as the person who will move the building or structure to be moved or removed shall furnish evidence of public liability insurance covering injuries to persons and property by reason of the proposed moving or removing of the building in a reasonable amount to be approved by the building official.

B. Where the building is to be moved or removed to land within the city, the applicant or some person on his behalf shall file a performance bond in the amount of one hundred percent of the value of said building as completed and ready for occupancy in the form of cash or surety bond, guaranteeing the performance within ninety days of all necessary work and improvements and the furnishing of all labor and materials necessary to make the building or structure, when moved or removed to such location, comply with any applicable laws and ordinances including but not limited to the various health, building and zoning regulations of the city.

15.52.140 Permit denial.

In the event the application does not conform to the provisions of this chapter, or in case the application shall request the removal of a building prohibited by this chapter, the building official shall decline to issue the permit, and the deposit made with the building official for the application and all fees paid to him pursuant to this chapter, shall be returned by order of the city council.

15.52.150 Notice on new site.

A. No permit to move or remove a building or structure pursuant to this chapter shall be granted until the applicant or his agent has caused a notice to be posted on the land to which the structure is to be moved as provided in this section and this notice has been so posted for a period of thirty days. The notice shall be posted in a conspicuous place on the land, shall be at least eight inches by ten inches in size, and shall contain the following words in letters at least two inches high:

BUILDING TO BE MOVED HERE.

APPLICATION FILED PURSUANT TO MORGAN HILL ORDINANCE NO. 1861, NEW SERIES.

B. The thirty days referred to in subsection A of this section shall not begin to run until a formal application has been filed under Section 15.52.030. This section shall apply only to sites within the city.

15.52.160 Red lights, barricade and traffic officer.

Every person removing a building through, over or across any street within the city shall cause red lights to be displayed during the evening hours on every side of the building, while the building is standing on a street, in such a manner as to warn the public of the obstruction, and shall during the daytime place barricades across the streets in such manner as to protect the

public from danger by reason of the removal of the building, and shall, when required by the building official, and when such building is located in any portion of the city where traffic is congested, require the person removing the same to pay the expense of a traffic officer to protect the traveling public from damage and injury.

15.52.170 Violation—Penalty.

Any person violating, or causing or permitting to be violated, any of the provisions of this chapter is guilty of an infraction, and upon conviction shall be punished by a fine of not more than (A) one hundred dollars for a first violation, (B) two hundred dollars for a second violation of the same provision within one year, or (C) five hundred dollars for each additional violation of the same provision within one year; or by imprisonment for not more than six months; or by both such fine and imprisonment.

Chapter 15.54: RESERVED

Chapter 15.56: RESERVED

Chapter 15.60: DEMOLITION PERMITS

Sections:

15.60.010 Demolition permit issuance prerequisites.

15.60.010 Demolition permit issuance prerequisites.

No demolition permits shall be issued for any building or structure for which the building official has knowledge from city records or information obtained from civic organizations that verify the building is forty years old or more, until the following procedure is followed:

A. The applicant or his agent has caused a notice to be posted on the land, in a conspicuous place, on which the structure is to be demolished for a period of fifteen days, and filed with the building division an affidavit declaring that the posting has been done. The notice shall be posted in a conspicuous place on the land, shall be at least ten inches in size, and shall contain the following words in letters at least two inches high:

NOTICE OF INTENDED DEMOLITION: ANY INTERESTED PERSON MAY APPEAL THE INTENDED DEMOLITION OF THIS BUILDING OR STRUCTURE BY WRITTEN APPEAL FILED WITH THE BUILDING OFFICIAL OF THE CITY OF MORGAN HILL, FIFTEEN (15) DAYS FROM THE DATE OF POSTING HEREOF, BUT NOT AFTER FIFTEENTH (15th) DAY FROM POSTING.

B. If no appeal is filed within this fifteen-day period, the permit shall be issued. If an appeal is filed within this fifteen-day period, the permit may be withheld for an additional sixty-day period to allow the applicant time to take steps to secure the purchase or other means of preserving the building.

Chapter 15.64: WOOD-BURNING APPLIANCES

Sections:

15.64.010 Short title.

15.64.020 Purpose.

15.64.030 Definitions.

15.64.040 Application.

15.64.050 Limitation.

15.64.010 Short title.

The ordinance codified in this chapter shall be known as the "wood-burning appliances ordinance" and may be cited as such.

15.64.020 Purpose.

The purpose of this chapter is to reduce wood smoke pollution and enhance health and quality of life of citizens, as well as to contribute to improvements in regional air quality by reducing air pollutant emission from wood-burning appliances.

15.64.030 Definitions.

For the purpose of this chapter, certain words and phrases used in this chapter are defined as follows:

- A. "E.P.A." means United States Environmental Protection Agency.
- B. "E.P.A. certified wood heater" means any wood heater that meets the standard in Title 40 Part 60, Subpart AAA, Code of Federal Regulation in effect at the time of installation and is certified and labeled pursuant to those regulations and includes E.P.A. certified wood heater inserts.
- C. "Fireplace" means any permanently installed masonry or factory-built wood-burning appliance designed to be used with an air-to-fuel ratio greater than or equal to thirty-five to one, except a pellet-fueled wood heater.
- D. "Garbage" means all solid, semi-solid and liquid wastes generated from residential, commercial and industrial sources, including trash, refuse, rubbish, industrial wastes, asphaltic products, manure, vegetable or animal solids and semi-solid wastes, and other discarded solid and semi-solid wastes.
- E. "Gas fireplace" means any device designed to burn natural gas in a manner that simulates the appearance of a wood burning fireplace.
- F. "Masonry fireplace" means a fire chamber of solid masonry units such as bricks, stones, or masonry units constructed on a foundation provided with a suitable chimney.
- G. "New construction" means construction of new structures and new additions to existing structures.
- H. "Paints" means all exterior and interior house and trim paints, enamels, varnishes, lacquers, stains, primers, sealers, undercoatings, roof coatings, wood preservatives, shellacs, and other paints or paint-like products.
- I. "Paint solvents" means all original solvents sold or used to thin paints or to clean up painting equipment.
- J. "Pellet-fueled wood heater" means any wood burning appliance that operates exclusively on wood pellets.
- K. "Solid fuel" means wood or any other non-gaseous or non-liquid fuel.
- L. "Treated wood" means wood of any species that has been chemically impregnated, painted or similarly modified to improve resistance to insects or weathering.

M. "Waste petroleum products" means any petroleum product other than gaseous fuels that has been refined from crude oil, and has been used, as a result of use, has been contaminated with physical impurities.

N. "Wood-burning appliance" means fireplace, wood heater, or pellet-fired heater or any similar device burning any solid fuel used for aesthetic or space-heating purpose.

15.64.040 Application.

A. Only gas fireplaces, pellet-fueled wood heaters, E.P.A. certified wood-burning appliances or masonry fireplaces, may be installed in any new construction.

B. This chapter does not prohibit the repair, reconstruction or replacement of an existing wood-burning appliance or wood-burning appliances that are designed primarily for food preparation.

15.64.050 Limitation.

It is unlawful to burn the following in fireplaces or E.P.A. certified wood burning appliances: garbage, treated wood, plastic products, rubber products, waste petroleum products, paints, paint solvents, coal, glossy or colored papers, particle board or salt water driftwood.

Chapter 15.65 SUSTAINABLE BUILDING REGULATIONS

Sections:

15.65.010 Purpose.

15.65.015 Definitions.

15.65.020 Applicability.

15.65.030 Minimum standards for compliance.

15.65.035 Incentives for compliance for renovations and additions.

15.65.040 Submission of documentation.

15.65.045 Review of documentation.

15.65.050 Compliance.

15.65.055 Exceptions.

15.65.060 Hardship or infeasibility exemption.

15.65.070 Appeal.

15.65.075 Enforcement.

15.65.010 Purpose.

The purpose of this chapter is to assure that commercial and residential development is consistent with the city's environmental agenda and general plan conservation policies 7a and 7b to create a more sustainable community by incorporating sustainable building measures into the design, construction and maintenance of new and existing buildings. The sustainable building provisions referenced in this chapter are designed to achieve the following objectives:

- a. Increase energy efficiency in buildings.
- b. Encourage water and resource conservation.
- c. Reduce waste generated by construction projects.
- d. Provide durable buildings that are efficient and economical to own and operate.
- e. Promote healthy and productive indoor environments for residents, workers and visitors to the city.

- f. Recognize and conserve the energy embodied in existing buildings.

15.65.015 Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations have the meaning given in this section:

- A. "Addition" means newly constructed square footage that is added to an existing structure.
- B. "Applicable project" means any building permit application(s) for new commercial construction, additions or renovations; or for any new residential construction, additions or renovations subject to the minimum standards for compliance as outlined in this chapter.
- C. "Applicant" refers to any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation or any other entity that applies to the city for building permits to undertake any construction or renovation project within the city.
- D. "Build It Green (BIG)" refers to the GreenPoint Rating System designed for residential developments by Build It Green.
- E. "California Building Energy Efficiency Standard" (Title 24, part 6) refers to the most recent enforced version of the coded section of the California Building Code.
- F. "City" means the City of Morgan Hill.
- G. "Commercial project" means any project, other than a city sponsored project, that is not residential.
- H. "Conditioned buildings" means conditioned space that is heated or cooled
- I. "Good faith effort to comply" means a project that is subject to the requirements of this chapter has not met the required sustainability standard, but for extenuating reasons or reasons beyond the control of the applicant, the sustainable building compliance official has found that the project meets the standards of good faith effort to comply pursuant to the compliance section outlined in this chapter.
- J. "GreenPoint Rated" refers to the sustainable building rating system for residential development that was developed by the Build It Green organization.
- K. "Internal GreenPoint Rated Verification" means verification of compliance of an applicable project by certified GreenPoint Raters, which can be qualified city staff or other qualified professionals retained by the city.
- L. "Internal LEED AP Verification" means verification of compliance of an applicable project by city staff or other qualified professionals retained by the city with LEED AP certification and/or training.
- M. "LEED®" means the "Leadership in Energy and Environmental Design" rating system developed by the U.S. Green Building Council.
- N. "LEED accredited professional (AP)" means an architect, designer, engineer, contractor and/or city staff that is certified through the U.S. Green Building Council to design, review plans, and inspect projects for compliance with the LEED rating system.
- O. "LEED®/USGBC verification" means verification by the LEED AP project architect and/or LEED AP and results in LEED certification of the project by the U.S. Green Building Council (USGBC.)
- P. "Mixed use" means a building that includes both commercial and residential uses within the same building envelope.
- Q. "Multifamily residential" means a building envelope that contains four or more attached dwelling units; or attached residential units that share electrical, mechanical, and/or water

service; or attached units that share enclosed common space, such as hallways for condominiums.

R. "New construction, commercial (nonresidential)" means the construction of new or replacement retail, office, industrial, warehouse, service, or similar building(s), or additions to such building(s).

S. "New construction, residential" means the construction of a new or replacement single-family, including secondary dwelling units, or of new or replacement multifamily residential building(s) or additions to such building(s).

T. "Non-conditioned buildings" means space that is not heated or cooled.

U. "Permit valuation" refers to the cost for construction of new buildings, additions and/or renovations as determined by the building official. Valuations are subject to change based on the annual Consumer Price Index (CPI) for new construction.

V. "Qualified sustainable building professional" means a person trained through the USGBC as a LEED accredited professional or through Build It Green as a certified GreenPoint rater, who can design, review plans, and inspect applicable projects for compliance with the sustainability standards outlined in the minimum standards for compliance provisions of this chapter.

W. "Renovation" means any rehabilitation, repair, remodeling, change, or modification to an existing building, where changes to floor area and the footprint of the building are negligible. The permit valuation of renovation improvements shall be determined by the building official. The sustainable building compliance official may exclude from such valuation the cost of (a) seismic upgrades, (b) accessibility upgrades, (c) photovoltaic panels or other renewable energy source (d) heritage buildings, (e) fire, flood, wind, earthquake, or other natural disaster damage repairs (f) swimming pools, or (g) temporary structures. Renovation valuation thresholds identified in the minimum standards for compliance shall be adjusted annually to reflect changes in the city's valuation per square foot for new construction in Morgan Hill, using valuations based on the annual Consumer Price Index (CPI.)

X. "Renewable energy" means derived from resources that are naturally regenerative or practically inexhaustible, such as geothermal, solar, thermal gradient and wind energy.

Y. "Scope of work" means all construction work that is being undertaken for a project that requires building permits.

Z. "Sustainable (green) building" means a whole systems approach to the design, construction and operation of buildings in a manner that substantially mitigates the environmental, economic, and social impacts of buildings. Sustainable building practices recognize the relationship between the natural and built environments and seek to minimize the use of energy, water and other natural resources and provide for a healthy, productive indoor environment.

AA. "Sustainable building compliance official (SBCO)" means the building official or his or her designee that is certified as a LEED AP and a GreenPoint rater or is experienced with sustainable building principles.

BB. "Sustainable building project checklist" refers to the Build It Green or LEED® checklists used to calculate a sustainability rating for commercial and residential development.

CC. "Sustainability standard" means the minimum number of points or rating level that must be attained for a particular applicable project, as outlined in the minimum standards for compliance of this chapter.

15.65.020 Applicability.

This chapter applies to any building permit application(s) for new commercial and mixed use construction, additions or renovations; or for any new residential construction, additions or renovations subject to the minimum standards for compliance as outlined in Section 15.65.30 of this chapter.

This chapter shall not apply to any project for which a planning entitlement application has been granted (excluding sustainable checklists used at the time of residential development control system allotment commitments); or a building permit application that has been submitted prior to the effective date of this ordinance; or to permits that are solely for grading, retaining walls, or publicly owned utility structures such as wells and booster stations.

For additions, remodels or tenant improvements, the sustainable building compliance official excludes the following from the valuation cost:

- Seismic upgrades
- Accessibility upgrades
- Photovoltaic panels or other renewable energy source
- Heritage buildings
- Fire, flood, wind, earthquake, or other natural disaster damage repairs
- Swimming pools
- Temporary structures

Renovation valuation thresholds identified in the minimum standards for compliance shall be adjusted annually to reflect changes in the city's valuation per square foot for new construction in Morgan Hill, using valuations based on the annual Consumer Price Index (CPI.)

15.65.030 Minimum standards for compliance.

All projects subject to this chapter shall be constructed using the current guidelines, sustainable building rating systems and sustainable project checklist outlined in Tables 1, 2 and 3 below upon applying for a building permit, unless another version of the checklist was previously approved by a planning entitlement (excluding checklist used at the time of residential development control system allotment commitments.) Failure to comply with any of the terms of this chapter shall subject the applicant of the applicable project to a full range of enforcement mechanisms set forth in Compliance Section 15.65.050 of this chapter.

All projects must, at minimum, demonstrate compliance with the California Building Energy Efficiency Standards (Title 24, part 6) of the California Building Code.

Compliance with the provisions of this chapter shall be listed as a condition of approval on any design review approval issued by the city for a project to require the project to meet the minimum standards for compliance thresholds identified in this section.

A. New Residential Construction and Renovation: Residential development involving new construction shall use either the most current Build It Green (BIG) or LEED® for homes rating system when applying for a building permit unless another version of the checklist was previously approved through a planning entitlement (excluding a checklist that was used at the time of residential development control system allotment commitments) and shall meet the sustainability standard and verification method outlined in Table 1 below. Applicants are encouraged to certify their projects with Build It Green or the U.S. Green Building Council.

If a project consists of an addition and a remodel, the higher minimum standard shall apply. Projects must meet the minimum category points in energy, water, resource and indoor air quality within the BIG checklist or any other required points in the LEED or Build It Green's

checklist. Community points from Build It Green's checklist are excluded from the minimum sustainability standard.

The Build It Green multi-family checklist shall only be used when:

1. The attached units share mechanical or electrical features; or
2. Attached units share enclosed common space, such as hallways for condominiums; or
3. There are four or more attached units or single-family dwelling units within the building envelope.

Table 1: Sustainable Residential Development Standards

| Applicable Project | | | |
|---|-----|--------------------------------------|---|
| Residential, New Construction | New | Minimum Sustainability Standard | Party Verification |
| New Single Family or Multifamily Developments | | ≤ 2,000 sf per unit | > 2,000 sf per unit |
| | | 70 BIG points* or LEED® Certified | 70 BIG points + 1 point per additional 70 sf (150 point maximum)* If using the LEED® rating system, must obtain LEED® Silver Certification |
| Residential, New Construction Additions | New | Minimum Sustainability Standard | Internal GreenPoint Rated Verification for BIG checklist or Internal LEED ®AP Verification for LEED® checklist |
| Addition < 250 square feet | | Verification | |
| Addition ≥ 250 square feet | | Not Applicable | |
| Addition ≥ 250 square feet | | 25 points on BIG existing checklist* | Internal GreenPoint Rated Verification |
| Addition ≥ 700 square feet | | 50 points on BIG existing checklist* | Internal GreenPoint Rated Verification |
| Renovations and Remodels | | | |
| Permit valuation < \$100,000 | | Not Applicable | |
| Permit valuation** ≥ \$100,000 | | 25 points on BIG existing checklist* | Internal GreenPoint Rated Verification |
| Permit valuation** ≥ \$250,000 | | 50 points on BIG existing checklist* | Internal GreenPoint Rated Verification |
| Note: All projects must, at minimum, demonstrate compliance with the California Building Energy Efficiency Standards (Title 24, part 6) of the California Building Code. *Community points in Build It Green's checklist are excluded from the sustainability standard and the project is required to meet minimum point requirements within the checklist categories (energy, water, resource, and indoor air quality.) | | | |

**** Valuations are subject to change based on the annual Consumer Price Index (CPI) for new construction or other adopted valuation method adopted by the City of Morgan Hill**

B. New Commercial Construction and Renovation: Commercial development involving new construction shall use the most current version of the LEED® rating system and meet the sustainability standard for applicable projects outlined in Table 2 below. If a project consists of a remodel and an addition, the project shall use the highest minimum standard that would apply to the applicable project. Applicants are encouraged to apply for LEED® certification through the U.S. Green Building Council.

Table 2: Sustainable Commercial Development Standards

| Applicable Project Type | Sustainability Standard | Verification |
|---|-------------------------|-----------------------------------|
| Commercial, New Construction and Additions | | |
| Additions < 1,000 square feet | Not Applicable | |
| New/Additions Construction ≥ 1,000 square feet | 16 LEED® Points | Internal LEED® AP Verification |
| New/ Additions ≥ 5,000 square feet | LEED® Silver | |
| Commercial, Renovations/ Tenant Improvements | | |
| Permit valuation < \$350,000 | Not Applicable | |
| Small, renovations** ≥ \$350,000 permit valuation | 10 LEED® Points | Internal LEED® AP Verification |
| Medium, renovations** ≥ \$500,000 permit valuation | LEED® Certified | |
| Large, renovations** ≥ \$1,500,000 | LEED® Silver | |
| Note: All projects must, at minimum, demonstrate compliance with the California Building Energy Efficiency Standards (Title 24, part 6) of the California Building Code. ** Valuations are subject to change based on the annual Consumer Price Index (CPI) for new construction or other adopted valuation method adopted by the City of Morgan Hill. | | |

C. New Mixed Use Construction and Renovation: Mixed use development involving new construction shall use the most current version of the LEED® or Build It Green rating system and meet the sustainability standard for applicable projects outlined in Table 3 below. If a project consists of a remodel and an addition, the project shall use the highest minimum standard that would apply to the applicable project. Applicants are encouraged to apply for LEED certification through the U.S. Green Building Council.

Table 3: Mixed Use Development Thresholds and Standards

| Applicable Project Type | Standard | Verification |
|------------------------------------|---|--|
| Mixed Use, New Construction | | |
| New ≤ 10,000 square feet | The project shall comply with residential minimum sustainability standards for the residential portion of the development; and For the commercial portion, the development shall be required to: | Internal GreenPoint rated verification and/or LEED® AP |

| | | |
|--|---|--------------|
| | <ul style="list-style-type: none"> • Exceed California Title 24 energy requirements by 10-15% | Verification |
| | <ul style="list-style-type: none"> • Provide a built-in recycling center per LEED standards in an easily accessible location, such as the kitchen facility | |
| | <ul style="list-style-type: none"> • Use LEED® approved renewable or 10 to 20 percent recycled content carpeting and/or flooring to the extent that it is included within the project's scope of work. | |
| | <ul style="list-style-type: none"> • Use LEED® approved low VOC adhesives, paints, flooring, and furnishings to the extent that it is included within the project's scope of work. | |
| New \geq 10,000 square feet | Same standards apply as in Mixed Use New Construction \leq 10,000. In addition, the development shall provide bicycle storage and a changing room facility that includes shower(s.) The changing room can be in the restroom instead of a separate room. | |
| Mixed Use, Additions, Tenant Improvements and Remodels | For additions and remodels, only that component of the project triggering compliance with the minimum standards for compliance in Tables 1 or 2 shall apply. If the project is a major renovation of both residential and commercial components, the applicant shall be allowed to use standards for new mixed use buildings. | |
| Note: All projects must, at minimum, demonstrate compliance with the California Building Energy Efficiency Standards (Title 24, part 6) of the California Building Code. | | |

15.65.035 Incentives for compliance for renovations and additions.

A. For commercial renovations and new additions: A LEED verification shall not be required for commercial renovation and addition projects defined in Table 2 of the minimum standards for compliance that install a renewable energy system that supplies over sixty percent of the energy use for the building. The applicant shall provide the building division with documentation detailing the current and/or expected energy use of the building and the amount of energy the renewable energy system will provide before issuance of a building permit. A final sign off on the building permit shall not be provided until the renewable energy system has been installed. If the applicant fails to install the system, the applicant shall be subject to the full range of enforcement mechanisms set forth in this chapter. Existing photovoltaic systems that provide sixty percent of the energy use for the building are not eligible to apply for this incentive.

B. For residential renovations and additions: A BIG verification shall not be required for residential renovation and addition projects defined in Table 1 of the minimum standards for compliance that:

1. Install a renewable energy system that supplies over sixty percent of the energy use for the building. The applicant shall provide the building division with documentation detailing the current and/or expected energy use of the building and the amount of energy the renewable energy system will provide before issuance of a building permit. A final sign off on the building permit shall not be provided until the renewable energy system is installed. If the applicant fails to install the system, the applicant shall be subject to the full range of enforcement mechanisms set forth in this chapter; or

2. Install a solar water heating system. The applicant shall provide the building division with documentation of the type and model of the current water heater and the amount of energy the solar water heater will provide before issuance of a building permit. Building inspection staff shall verify the existing water heater is not a solar water heater. A final sign off on the building

permit shall not be provided until the renewable energy system is installed. If the applicant fails to install the system, the applicant shall be subject to the full range of enforcement mechanisms set forth in this chapter.

15.65.040 Submission of documentation.

A. Design Review Documentation: In conjunction with an application for a design review permit, the applicant shall submit a letter of acknowledgement indicating that the applicable project will achieve the sustainability standards defined in this chapter. The letter shall also indicate how many points the applicable project will achieve in each category and/or level of LEED certification, and shall include the contact information of the potential qualified sustainable building professional that will ensure that the plans meet the sustainability standards outlined in this chapter. The letter shall also commit to compliance with the California Building Energy Efficiency Standards (Title 24, part 6).

B. Building Permit Documentation: Upon submittal of an application for a building permit, any applicable project shall include the most current sustainable building project checklist unless another version of the checklist was previously approved by a planning entitlement (excluding sustainable checklists used at the time of residential control development system allotment commitment). The application must also contain all necessary documentation to clearly demonstrate compliance with the California Building Energy Efficiency Standard (Title 24, part 6).

If the project requires plans, the sustainable project checklist shall be incorporated with the building plans on a separate plan sheet and shall indicate in the general notes or individual detail drawings the measures to be used to attain the sustainability standards defined in this chapter and the California Building Energy Efficiency Standard (Title 24, part 6), reflecting any changes proposed since the planning entitlement phase (if a planning entitlement was required.)

Applicants are encouraged to consult with a qualified sustainable building professional before submitting plans and/or applying for a building permit.

15.65.045 Review of documentation.

A. Approval: Prior to the issuance of a building permit, the building division shall certify with an approval letter that the project meets the minimum standards for compliance (or meets point level allowed under the exceptions provisions of this chapter) and that the plans (if submitted) reflect the points in the sustainable building project checklist. No building permit shall be issued until the permitting documentation has been approved under this section or unless an exemption has been granted under the hardship and infeasibility section of this chapter.

B. Non-approval: If the building division determines that the permitting documentation is incomplete or fails to indicate that the applicable project will meet the minimum standards of compliance in this chapter, the building division shall either:

1. Return the permitting documentation to the applicant marked "denied," including a statement of reasons for the denial; or
2. Return the permitting documentation to the applicant marked "further explanation required" and detail the additional information needed.

C. Resubmission: If the permitting documentation is returned to the applicant, the applicant may re-submit the permitting documentation with additional information as may be required or may apply for an exemption under the hardship and infeasibility section of this chapter.

15.65.050 Compliance.

A. **Building Inspections, Verification and Occupancy:** The building division inspection staff or other qualified professionals retained by the city shall verify that the sustainable building measures indicated in the approved permitting documentation are being implemented at the foundation inspection, framing inspection, or other as needed inspections, and prior to final inspection/issuance of a certificate of occupancy.

Throughout each inspection stage, the applicant shall be required to provide evidence of compliance to the building division to satisfy the requirements of the minimum standards for compliance in this chapter. This information shall include, but is not limited to:

1. Any documentation that would be required by the California Building Energy Efficiency Standard (Title 24, part 6) and the LEED or the GreenPoint rated system for certification. The applicant may be required to provide supporting information from qualified professionals (e.g. civil engineer, electrical engineer, Title 24 consultant, commissioning agent, etc.) to certify compliance with each point on the checklist.

Applicants with projects that are registered with the U.S. Green Building Council are encouraged to submit proof of registration and provide online access to the U.S. Green Building Council's website to the building division in order to easily monitor the documentation submittals by the applicant;

2. Documentation that verifies incorporation of the design and construction related credits specified in the project approval;

3. Any additional information that the applicant believes is relevant to determining that a good faith effort has been made to comply with this chapter.

B. **Substitution of Credits:** During the compliance review, flexibility may be exercised by the sustainable building compliance officer to substitute approved points with other points in the LEED® and GreenPoint rating systems. Substitution shall occur only at the request of the applicant. Any substitution credits shall not result in reduced minimum category point requirements within a sustainable building project checklist or required points established in a development agreement. The sustainable building compliance officer may at no time approve a project that fails to comply with the California Building Energy Efficiency Standard (Title 24, part 6).

C. **Non-Compliance:** If, as a result of any inspection, the building division determines that the project does not or is unlikely to comply with the sustainability measures in the approved permitting documentation and/or plans, a stop-work order may be issued if the sustainable building compliance official determines that continuation of construction activities will jeopardize the project's ability to meet the required sustainability standard. The stop-work order shall remain in effect until the sustainable building compliance official determines that the project will be brought into compliance with the approved permitting documentation and this chapter.

D. **Final Determination of Compliance:** Prior to the scheduling of a final building inspection for an applicable project, the building division shall review all documentation submitted by the applicant and determine that the project has demonstrated compliance with the California Building Energy Efficiency Standard (Title 24, part 6) and whether the applicant has achieved the minimum standards for compliance set forth in this chapter; or demonstrates that measures are in place to assure compliance not later than one year after approval of the final building inspection; or the applicant has made a good faith effort, as defined below, to comply.

If the building division determines that the applicant has met the minimum requirements of this chapter for the project, the final building inspection may proceed, provided the project has received approval of all other inspections required by the building official. If the building division determines that the required sustainability standard has not been achieved based on the provisions of this chapter, the sustainable building compliance official shall find one of the following:

1. Good Faith Effort to Comply: At a minimum, all aspects of the proposed project must comply with the California Building Energy Efficiency Standard (Title 24, part 6). An applicant must submit a written request to the sustainable building official for approval of a good faith effort to comply. The granting or denial of the good faith effort to comply shall be provided to the applicant in writing within thirty days of the applicant's written request by the sustainable building compliance official. If a good faith effort to comply is granted, the final building inspection may proceed.

Determination of a good faith effort to comply shall be made separately for each incomplete item on the sustainable building project checklist. Granting of a good faith effort to comply does not preclude the need for the applicant to comply with the other items on the sustainable building checklist, such as meeting minimum category point requirements within the checklist. However, the sustainable building compliance official shall, at minimum, verify that the project as a whole will still demonstrate compliance with the California Building Energy Efficiency Standard (Title 24, part 6) assuming all incomplete items are never completed.

The sustainable building compliance official shall determine that the applicant has made a good faith effort to comply with this chapter when finding that at least ninety percent of the required sustainability credits have been achieved and either:

i. Measures are in place to assure full compliance not later than one year after approval of the final building inspection; or

ii. The incomplete measures involve sustainable building materials and technologies that are no longer available or not yet commercially available, and the applicant will comply by incorporating other measures not later than one year after approval of the final building inspection; or

iii. The cost for the incomplete sustainable building measure or documentation is disproportionate to the overall cost of the project, and the applicant will comply by incorporating other measures on the checklist not later than one year after approval of the final building inspection. That is, the cost for the sustainability measure or documentation exceeds three percent of the total cost of construction. The building division shall verify the construction costs. The applicant shall be responsible for providing documentation, such as, but not limited to, invoices and estimates from at least three separate sources, to support their positions.

The applicant shall submit evidence that the sustainability measure(s) will be in compliance not later than one year after approval of the final building inspection and may be required to submit a deposit/bond to the building division. The sustainable building compliance official will determine the amount of deposit/bond required based on the cost of the sustainability measure(s). The applicant shall be responsible for submitting documentation or contacting the building division for an inspection when the sustainable building measure(s) is in place within one year of the date of final inspection approval. If the applicant complies within the one year timeframe, the deposit/bond shall be released in full to the applicant. If the applicant fails to complete measures within the allotted timeframe, the deposit shall be used to enhance the city's sustainable building program.

2. **Non-Compliant Project:** If the sustainable building compliance official determines that the applicant has not made a good faith effort to comply with this chapter or if the applicant fails to submit the necessary documentation within the required time period for associated inspections and plan reviews, or if the sustainable building compliance official determines that the project will not comply with the California Building Energy Efficiency Standard (Title 24, part 6), then the project shall be deemed non-compliant. The final inspection and approval for the project shall be withheld. A final inspection shall not take place until the applicant has implemented equivalent alternate measures approved by the sustainable building compliance official; or the applicant has been granted an exception under the provisions of this chapter.

E. The sustainable building compliance official shall have the responsibility to administer and monitor compliance with the sustainable building requirements set forth in this chapter and to grant good faith efforts to comply, exceptions and exemptions from the requirements, where so authorized.

F. Compliance with the provisions of this chapter shall be listed as a condition of approval on any design review permit or other discretionary permit approval, and on the building plans for building permit approval for any applicable project.

15.65.055 Exceptions.

If an applicant believes circumstances exist that make it a hardship and/or not feasible to complete up to ten percent of the required points defined in the minimum standards for compliance section of this chapter and the applicant can demonstrate to the sustainable building compliance official that the project will comply with the California Building Energy Efficiency Standard (Title 24, part 6) without these points, then the Sustainable Building Compliance Official may authorize a maximum of ten percent of the required points to be waived based on one of the following findings:

1. There is a lack of commercially available sustainable building materials and technologies to comply with the project's scope of work; or

2. The project's scope of work does not allow for enough sustainable checklist points without interfering with other areas outside the project's scope of work.

3. The cost to utilize sustainable building practices, technologies and/or provide documentation exceeds three percent of the project's construction cost. The project's construction costs shall be verified by building division staff. The applicant may be required to provide evidence to the Building Division, such as but not limited to, invoices and estimates from three different sources for each sustainable building measure(s) that the applicant believes is contributing to over three percent of the construction cost. The applicant is still required to obtain points that would equate up to three percent of the total construction costs.

The applicant must apply in writing to the sustainable building compliance official for an exception and shall indicate the circumstances that create a hardship or make it infeasible to fully comply with this chapter. Determination of exception shall be made separately for each item on the sustainable building project checklist that the exemption applies to. Granting of an exception to comply for one or more items does not preclude the need for the applicant to meet required and minimum category point requirements within the checklist. As necessary, projects that are subject to development agreements shall apply for a development agreement amendment to modify the project's sustainability commitments. At no time shall an exception be granted which may cause a proposed or permitted project to fail to comply with the California Building Energy Efficiency Standard (Title 24, part 6).

15.66.030 New construction to conform with chapter provisions—Submittal of plans.

On and after the effective date of the ordinance codified in this chapter, no person who owns or is in possession of any premises, whether as legal or equitable owner, purchaser under contract, tenant or licensee, shall construct, install or place, or permit to be constructed, installed or placed, on or within such premises, any outdoor swimming or wading pool unless the same is enclosed or protected in the manner provided in this chapter. After such date, no building permit shall be issued for any such swimming or wading pool unless the plans for the same have been submitted and approved by the building department of the city and comply with both the Uniform Building Code and the provisions of this chapter.

15.66.040 Enclosure protection required—Specifications.

A. Each outdoor swimming or wading pool constructed, installed or placed within any premises on or after the effective date of the ordinance codified in this chapter shall be completely enclosed by a fence, wall or other structure. Such fence, wall or structure shall be not less than five feet in height at all points and shall be located a minimum of four feet from the nearest edge of the pool. The surrounding fence, wall or other structure may consist of a house, building or other construction. Openings in all required enclosure fencing shall have intermediate rails or an ornamental pattern such that a sphere four inches in diameter cannot pass through.

B. Each gate or door in the surrounding fence, wall or other structure, including those which open from a garage into the enclosure, but excepting doors in any surrounding building or structure other than a fence, shall be equipped with a self-closing and self-latching device which shall, from the outside, be inaccessible to children of below grammar school age.

15.66.050 Enclosure protection required—Exception.

Any person who is required by the terms of this chapter to provide an adequate enclosure for his swimming or wading pool, may elect to provide an adequate cover for the pool. An adequate cover is one which covers the entire surface of the swimming pool so as to prevent access by a small child and which will support seventy-five pounds of weight at any point of its surface. The person who elects to provide a cover for his pool as provided in this chapter shall keep the cover in place at all times when the pool is not in use, and failure to do so shall constitute a misdemeanor and be punishable as provided in this chapter.

15.66.060 Governmental agencies exempt from chapter provisions.

The provisions of this chapter shall not apply to swimming or wading pools, owned, operated and maintained by governmental bodies or political subdivisions thereof.

15.66.070 Existing installations—Determination and conformance to chapter provisions.

A. From and after the effective date of the ordinance codified in this chapter, the city building inspector or his authorized representative shall have the power to determine whether any existing swimming or wading pool which was constructed, installed or placed within any premises in the city prior to the effective date of the ordinance codified in this chapter constitutes a health or safety hazard by virtue of such pool not being completely enclosed by a fence, wall or other structure as provided in Section 15.66.040 of this chapter or by an adequate cover as provided in Section 15.66.050 of this chapter. In making such determination, the building inspector shall consider such factors as the character of the neighborhood, the physical nature of

the premises and the location of the pool thereon, the accessibility of the pool to small children, and similar circumstances.

B. Should the building inspector determine that a hazard exists as defined in this chapter, he may order the person legally responsible for the premises to comply with the provisions of this chapter in order to alleviate the unsafe or unhealthful condition. The building inspector shall in his order specify a reasonable time not to exceed six months for compliance with his order. Failure to so comply shall constitute a misdemeanor punishable as provided in this chapter.

15.66.080 Appeal procedures.

A. Any person claiming to be aggrieved by an order of the city building inspector issued pursuant to this chapter may appeal the same by filing a written notice thereof with the city clerk. This appeal notice must be filed within ten days of receipt of the order of the building inspector, and must set forth the reasons and grounds for the appeal.

B. The city council upon consideration of the appeal, may amend, modify or vacate the order of the building inspector, and the decision of the city council shall be final.

15.66.090 Violation—Penalty.

Any person violating any of the provisions of this chapter, and any person who fails to comply with the proper order of the building inspector as provided for in this chapter, shall for each and every violation thereof be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

SECTION 9: Exemption from CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a "project" which has the potential for causing a significant effect on the environment.

SECTION 10: Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 11: Effective Date; Publication. This ordinance shall take effect January 1, 2014. The City Clerk is hereby directed to publish in full or summary this ordinance pursuant to §36933 of the Government Code in a newspaper of general circulation in the City of Morgan Hill.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE 6th DAY OF NOVEMBER 2013, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 20th DAY OF NOVEMBER 2013, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Larry Carr, Rich Constantine, Marilyn Librers,
Gordon Siebert, Steve Tate
NOES: COUNCIL MEMBERS: None
ABSTAIN: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: None

ATTEST:


IRMA TORREZ, City Clerk

APPROVED:


STEVE TATE, Mayor


Effective: January 1, 2014

∞ CERTIFICATE OF THE CITY CLERK ∞

I, Irma Torres, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2095, New Series, adopted by the City Council of the City of Morgan Hill, California at the meeting held on this 20th day of November 2013, and has been published pursuant to Government Code.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 11/20/13


Irma Torres, City Clerk